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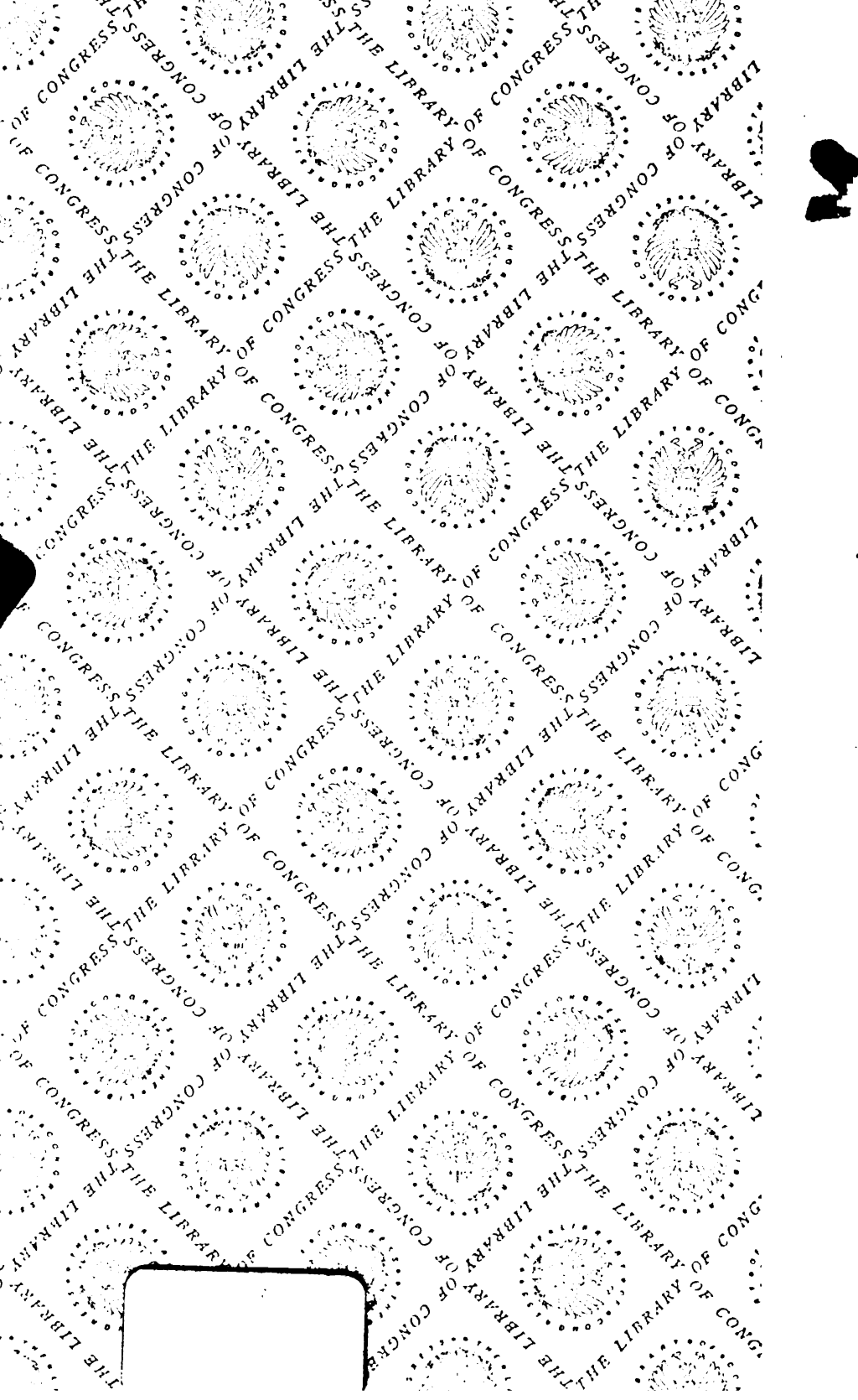
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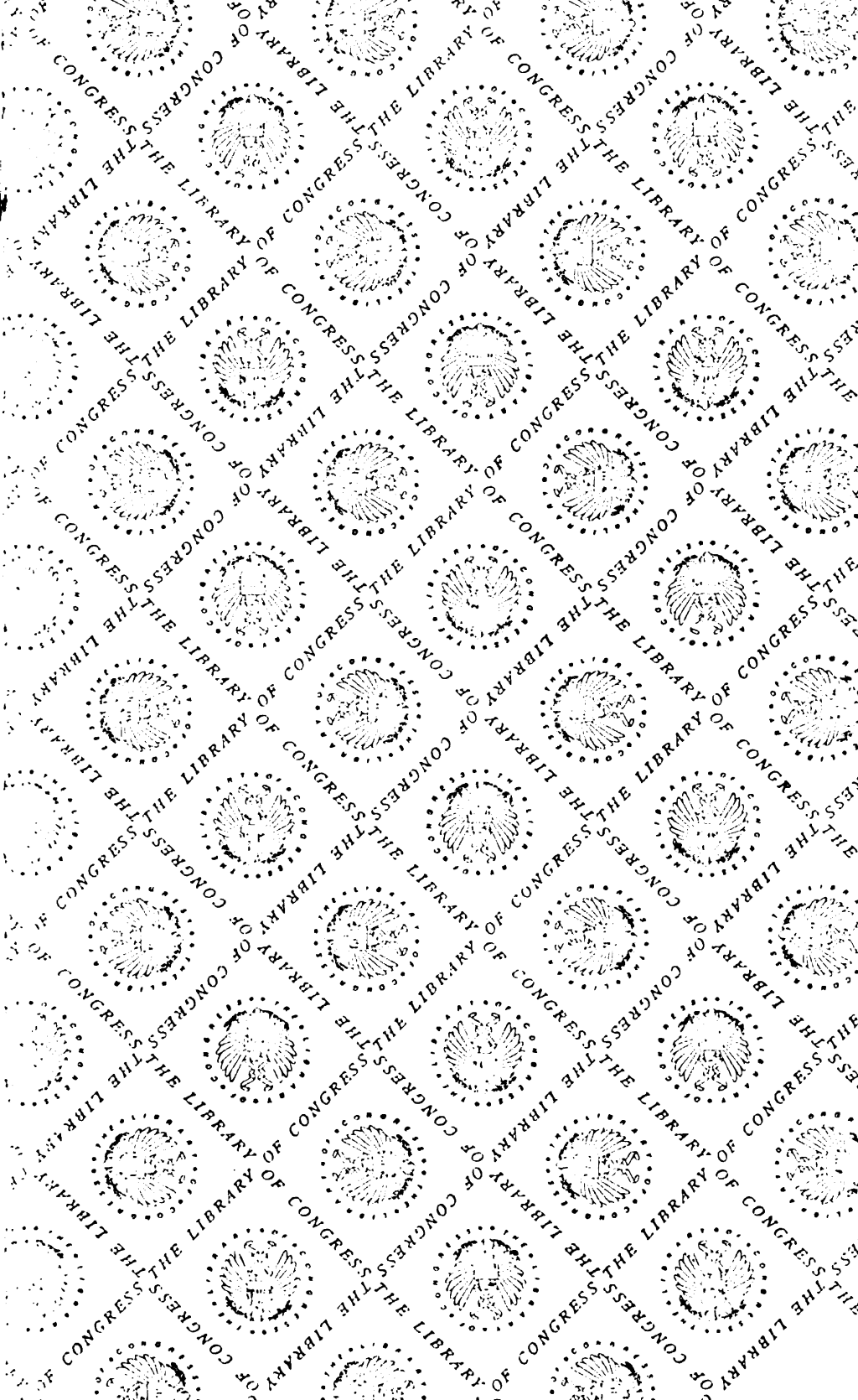
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**EQUIPMENT OF UNITED STATES PENITENTIARIES  
AT ATLANTA, GA., AND LEAVENWORTH, KANS.,  
FOR MANUFACTURE OF SUPPLIES FOR  
USE OF GOVERNMENT, ETC.**

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**HEARINGS**

**BEFORE THE**

**COMMITTEE ON THE JUDICIARY**

**HOUSE OF REPRESENTATIVES**

**SIXTY-FOURTH CONGRESS**

**SECOND SESSION**

**ON**

**H. R. 19783**

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**Serial 50**

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**JANUARY 27, 1917**



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## COMMITTEE ON THE JUDICIARY.

### HOUSE OF REPRESENTATIVES.

#### SIXTY-FOURTH CONGRESS.

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## EQUIPMENT OF PENITENTIARIES FOR MANUFACTURE OF GOVERNMENT SUPPLIES, ETC.

COMMITTEE ON THE JUDICIARY,  
HOUSE OF REPRESENTATIVES,  
*Saturday, January 27, 1917.*

The committee met at 10.30 o'clock a. m.

Present: Representatives Webb (chairman), Steele, Nelson, Igoe, Gard, Danforth, Caraway, Neely, and Walsh.

Present also: Mr. William C. Fitts, special assistant attorney, Department of Justice; Mr. Francis H. Duehay, superintendent of prisons, and Mr. C. H. McGlasson, assistant superintendent of prisons, Department of Justice.

The committee thereupon proceeded to the consideration of H. R. 19783, which is as follows:

[H. R. 19783, Sixty-fourth Congress, second session.]

A BILL To equip the United States penitentiaries at Atlanta, Georgia, and Leavenworth, Kansas, for the manufacture of supplies for the use of the Government, for the compensation of the prisoners for their labor, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Atlanta, Georgia, a factory or factories for the manufacture of textiles and mail sacks and other similar mail-carrying equipment for the use of the United States Government, and at the United States penitentiary, Leavenworth, Kansas, a factory or factories for the manufacture of furniture and office equipment for the use of the United States Government. The factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop.

SEC. 2. That from and after July first, nineteen hundred and eighteen, articles so manufactured shall not be purchased from any source other than

governmental for the United States Government, or any department, bureau, or other agency thereof, unless the Attorney General or his authorized agent shall certify that the same can not be furnished by such prison factory or factories, and no claim shall be audited or paid without such certificate.

SEC. 3. That articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the respective working capital fund created by this act.

SEC. 4. That the Attorney General is authorized and empowered to provide for the payment to the inmates of said penitentiaries such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital of the penitentiary in which the prisoner is confined.

SEC. 5. That the following sums are authorized to be appropriated to carry out the purposes of this act: United States penitentiary, Atlanta, Georgia, for the erection of shop buildings and their appurtenances, \$129,500; for the purchase of machinery and other equipment, \$315,500. United States penitentiary, Leavenworth, Kansas, for the erection of shop buildings and appurtenances, \$82,500; for the purchase of machinery and other equipment, \$202,500; in all, \$780,000.

SEC. 6. That there is created for each the United States penitentiary at Atlanta, Georgia, and at Leavenworth, Kansas, a fund to be known as the working capital, which fund shall be available for carrying on the industrial enterprises authorized herein or which may be authorized hereafter by law to be carried on in the said penitentiaries. The working capitals shall consist of \$250,000 for the penitentiary at Atlanta, Georgia, and \$150,000 for the penitentiary at Leavenworth, Kansas, which sums are authorized to be appropriated. The receipts from the sale of products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the respective working capital funds and be available for appropriation by Congress, annually, for the purposes set forth in this act.

SEC. 7. That the said working capitals shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw material or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of this act.

SEC. 8. That the products of said industries shall not be disposed of except as provided in this act.

SEC. 9. That all laws and parts of laws to the extent that they are in conflict with this act are repealed.

The CHAIRMAN. Our meeting to-day is for the purpose of giving consideration to H. R. 19783 and hearing the representatives of the Department of Justice and such other persons as may desire to be heard. For your information I would like to read a letter that I just received from the Attorney General (reading):

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY GENERAL.  
Washington, D. C., January 26, 1917.

HON. EDWIN Y. WEBB,  
*Chairman of the Judiciary Committee, House of Representatives,*  
Washington, D. C.

DEAR MR. WEBB: Our telephonic conversation of this morning, in which you indicated that the Judiciary Committee would, at 10.30 o'clock to-morrow morning, January 27, accord a hearing on House bill 19783, the same being a measure providing for the equipment of the United States penitentiaries at Atlanta and Leavenworth for the manufacture of supplies for the use of the Government and for the partial compensation of the prisoners for their labor, and for other purposes, in which you suggested that I prepare a letter upon this subject covering its importance and urgency, causes me to write for the use of yourself and the committee as follows:

So much constructive work followed the location of the penitentiaries at Atlanta and Leavenworth and such enlargements have been necessitated as



to give room until this time for the useful employment of most of the prisoners at both institutions in erecting additional buildings and making enlargements to the end that accommodations might be afforded not only for prisoners originally assigned to these two Federal prisons but to others who, for lack of room in these, have been confined in various State institutions. This work of construction and enlargement, while comprehensive in its character and consequently furnishing manual labor through many years for the great body of the prisoners, has now been substantially completed, and these two Federal penitentiaries, mainly with convict labor, have been expanded and enlarged until they are now ready to accommodate substantially the entire body of convicts, excepting such as are sent to McNeil Island, where there is no present emergency. This work of building and enlarging having been brought almost to a conclusion brings the Government face to face with the matter of further provision for the employment of convicts, and the question of making such provision is imperative and immediate. The convicts at these two large institutions will be afforded no sufficient field of employment or usefulness unless legislative provision is immediately made. It would be most unfortunate for them to be maintained in idleness, not only because it would be hurtful to them, but because the Government's financial loss would be large and constant. At this time there are about 1,400 prisoners in the Atlanta penitentiary and nearly 2,000 at Leavenworth. The aggregate for the two institutions as a constant quantity may be treated as close to 3,500. Of these, speaking broadly, there will be available for industrial pursuits at Atlanta about 700 of these prisoners, and at Leavenworth about 1,000. Without exaggeration, I can safely say that it is absolutely essential that this labor be promptly and intelligently utilized, in order to make these penitentiaries approach a self-sustaining basis, and to safeguard the welfare of the prisoners and the discipline which is essential to their betterment or reformation.

While I as Attorney General am charged with the duty of administering these institutions, I am entirely powerless to provide for this crisis now at hand. The provision must be made by law. Congress alone can determine the kind of employment desired and make legislative provision and appropriation for its inauguration. I have exhausted every function at my command when I earnestly say to the Congress that such action is urgently and imperatively demanded.

The study of the subject of prisons and prison reform seems by common consent to lead to the conviction that industrial labor for those confined within the walls and agricultural pursuits for those not so confined is the most sensible solution of the problem. Acting on these lines as early as 1915, I did in my annual report suggest the establishment of two factories—one at Atlanta, the other at Leavenworth—coupled with a recommendation in favor of the acquisition of additional farm land at each place. In my annual report of 1916 I repeated with emphasis and added earnestness these recommendations, with the result that the last general deficiency bill was by Congress made to include provision for a commission to investigate this subject, together with a small appropriation to cover the expenses of the same. The commission was composed of the Chief of Ordnance of the Army, the Chief of Ordnance of the Navy, the purchasing agent of the Post Office Department, and the superintendent of prisons. Much information touching manufacturing and industrial pursuits as heretofore installed in penitentiaries, estimates as to the cost of installation, etc., were assembled and digested, with the net result that the commission unanimously reported in favor of a textile factory to be installed in the penitentiary at Atlanta and a furniture factory at the Leavenworth institution.

The commission not only disclosed the result of its investigation in the shape of a report, but drafted a suggested or tentative bill calculated to carry the same into effect and make the plan workable. The appropriations suggested in that bill were thought by the commission to be necessary to insure the successful installation and inauguration of the two enterprises. The bill so prepared and unanimously suggested by the commission is substantially the one which was introduced as House bill 19783, and is the one which will be under consideration by the committee when this letter is presented to-morrow morning by a representative of the Department of Justice, accompanied by the superintendent of prisons, who was a member of the commission, and by the person who acted as clerk to the commission and was intimately associated

with it during all the time the information was being assembled and the report was being prepared.

In conclusion, I can not do more than reiterate the urgency of this crisis, respectfully calling the attention of the committee to the fact that a failure to legislate at this session would probably so delay the Government in providing employment for the convicts as to be well-nigh ruinous to many of them, as well as disastrous to the conduct of the penitentiaries from a financial standpoint.

Yours, truly and cordially,

T. W. GREGORY, *Attorney General.*

The bill I introduced was presented last summer by Judge Fitts, of the Department of Justice, and others, and agreed upon then, but it seems that this commission has changed that somewhat and the one we now consider is the commission's idea instead of the bill I introduced last summer.

We have with us Judge Fitts, who represents the Attorney General, and the committee will be glad to hear him and such other persons as he may care to introduce.

#### STATEMENT OF HON. WILLIAM C. FITTS, SPECIAL ASSISTANT ATTORNEY, DEPARTMENT OF JUSTICE.

MR. FITTS. This is your bill, except it is a little more compact, and the figures incorporated in this present bill are the figures arrived at by the special commission.

I do not know that it is expedient for me to say anything further than is stated in that letter of the Attorney General, except by word of mouth, as an oral statement is probably more vivid than a written one.

To state the urgency of the situation, I will say that the location of the penitentiaries at Atlanta and Leavenworth were authorized in 1891. It took some time to locate them, and the process of building has been a long one.

The number of convicts is constantly increasing, but despite that they have been sufficiently employed in the matter of erecting buildings and making enlargements and improving the grounds until this time.

MR. GARD. Have they any other employment except improving the grounds and making additions to the buildings?

MR. FITTS. Incidental employment around the institutions, of which the superintendent of prisons, Mr. Duehay, will speak more accurately, because he actually visits the prisons and keeps in constant touch with them.

Now, by law the prisoners are put under the management of the Attorney General, without anything very definite stated as to how he should manage them until some years ago. That was followed by another act, creating the office of superintendent of prisons, and authorizing the appointment of an assistant and the appointment of various wardens by the Attorney General. The increasing number of prisoners at Atlanta and Leavenworth brings the management of those institutions and the management of the prisoners themselves to be a question not only of their keep and sustenance, but of their possible reformation.

MR. NELSON. May I ask, Judge, have they nothing to do there now?

**Mr. FITTS.** I will ask the superintendent of prisons to answer that very fully. They are not idle now, because the process of building and improvements is not entirely completed, but they will be idle, exactly as stated in that letter of the Attorney General, before another Congress would convene in the ordinary course, unless there is to be an extra session.

That brings the situation where we will have practically 3,800 men in idleness, which will result to their harm and be a disastrous financial loss to the Government, unless some authorization is had for their employment. While the law as it stands now, so far as Congress has gone, says that these institutions shall be under the management of the Attorney General, it does not give him the authority to go ahead and build these industrial plants or to embark in these new and distinct fields of endeavor.

**Mr. NELSON.** Judge, may I ask you, Why was a business matter of this kind put under the Attorney General? He is more of a lawyer than a business man, is he not?

**Mr. FITTS.** I suppose back in 1891 it was put there for the lack of some better place to shelve it. I do not know. I have often wondered. I have no answer to that question, other than the mere historical fact, which I suppose you are familiar with and, if not, I will give it in just a word by way of refreshment, that when the prisons were authorized, a commission was raised out of the Cabinet, composed of the Attorney General and the Secretary of the Interior, to travel about the country and locate two penitentiaries. They did so, and reported back in favor of the locations at Atlanta and Leavenworth. Then, when Congress came to legislate it left the commission out and said that these penitentiaries shall be under the control and management of the Attorney General. That threw an immense amount of detail on the office. Then, in subsequent years, there was added the superintendent of prisons, to be appointed at the hands of the Attorney General, and there being now, unfortunately, no legislative indication of his duties, but only the act of Congress upon the subject, simply saying that the superintendent of prisons shall manage and conduct the prisons under the guidance and direction of the Attorney General.

So that stood until the parole system was started, and when the parole system was started we found for the first time congressional indication of statutory duties attached to the office of the superintendent of prisons. In the parole act it does say that he shall be chairman of the parole board for each prison, each prison having a parole board to be composed of this superintendent of prisons, with the local physician and the local warden constituting the local members as to each—you understand the superintendent of prisons is a member of all the parole boards, it being localized by the two local members, the warden and the physician. That constitutes, in short, by consent all of the legislation there is upon the subject of prisons. It is very meager, so far as congressional action has been heretofore had.

**Mr. GARD.** How many Federal prisons and penitentiaries are there?

**Mr. FITTS.** There is another penitentiary at McNeil Islands, in the State of Washington, to which the far-western prisoners are sent, and as to which there is no present emergency.

Mr. GARD. Is there any other penitentiary in the East anywhere?

Mr. FITTS. None at all. There are but three. The eastern prisoners are sent to the penitentiary at Atlanta and those from the middle section to Leavenworth. You will remember that Morse was sent to Atlanta.

Mr. NELSON. How did you come to pick out these two particular lines of endeavor to put these prisoners at work?

Mr. FITTS. That was chosen by this commission for the reason that the products must be those that can be used by the Government. The labor organizations of the country are alive and right well organized, but they raised no objection to the penitentiaries of the several States producing products for governmental consumption by the several States, and it is being done in many, or probably a majority, of the States; and likewise there is no impediment here presented or can or will come from them when the usefulness and activities of the prisoners are directed to the production of merchandise or materials that are used by the Government. That is their position upon that subject, a well-defined position, to which they have been working and proceeding for years. The textile product can be used for mail bags and other things that the Government requires and is constantly buying in the market.

Mr. NELSON. May I interrupt?

Mr. FITTS. Certainly.

Mr. NELSON. You say the manufacture of textiles and mail sacks. What is thought to be included in "textiles"?

Mr. FITTS. I suppose that would include mail sacks. I do not know why the commission suggested that language. Textile is, broadly speaking, something like cloth, and then what is made out of it—coats and pants, etc.

Mr. NELSON. I wondered what other things besides mail sacks were contemplated.

Mr. FITTS. I understand a great many other things are contemplated—tents and ducking; and Mr. Duehay, who is chairman of this commission and also superintendent of prisons—

Mr. STEELE. They might manufacture clothing for the prisoners.

Mr. WALSH. Is there any member of the commission here?

Mr. FITTS. Mr. Duehay is a member of the commission. He is here and will state that better than I can.

Mr. STEELE. This bill calls for an appropriation of over \$1,000,000.

Mr. FITTS. The figures were fixed by this commission.

The CHAIRMAN. The committee will be glad to hear Mr. Duehay.

#### STATEMENT OF MR. F. H. DUEHAY, SUPERINTENDENT OF PRISONS.

Mr. NELSON. You are superintendent of both prisons?

Mr. DUEHAY. I am superintendent of all the Federal prisons, of which there are three.

Mr. NELSON. Then, there are men under you that have charge of the particular prisons, I presume?

Mr. DUEHAY. Yes, sir; the wardens. My headquarters are in Washington.

Mr. WALSH. I would like to ask the superintendent a question: Did the commission, of which you are chairman or member, Mr. Duehay,

consider directing the activity of these prisoners to farming and agricultural pursuits?

Mr. DUEHAY. The commission did not consider that; no, sir.

Mr. IGOE. In the House the other day we had a proposition for purchasing additional land for the McNeil Island prison, and my recollection is that one of the things urged was that they needed this additional acreage for the purpose of putting the prisoners to work as farmers. Is not that true?

Mr. DUEHAY. That is true; but, as a matter of fact, the commission did not consider that that was within its jurisdiction or its instructions under that resolution.

Mr. IGOE. The instructions were to confine yourselves to manufacturing?

Mr. FITTS. Before you leave that subject, please explain to the committee that no matter how far the industrial pursuits go, there will always be a class of prisoners who can not be employed industrially.

Mr. DUEHAY. Probably half of the prison population will have to be kept within the walls; probably the other half, roughly speaking, can go outside, and can go out and come back.

Mr. STEELE. What do you do with those who have to be kept within the walls now?

Mr. DUEHAY. They are employed constructing the buildings and are used for maintenance. It takes about 500 men at each penitentiary for maintenance, preparing the meals, keeping the buildings clean, making the clothes in the tailor shop, shoe shop, and all such things as that, which go toward the maintenance of prisoners.

Mr. NELSON. The clothes shop and shoe shop for the maintenance of prisoners?

Mr. DUEHAY. Yes, sir.

Mr. NELSON. You do not sell the product outside?

Mr. DUEHAY. No, sir.

Mr. CARAWAY. How long have you been superintendent of prisons?

Mr. DUEHAY. Three years.

Mr. GARD. Did you have any experience before in the conduct of prisons?

Mr. DUEHAY. The only experience I have had has been as trustee of the Boys' Reform School.

Mr. GARD. Where?

Mr. DUEHAY. At Washington, D. C. I have been on that board 15 years.

Mr. GARD. Your home is Washington?

Mr. DUEHAY. My home is Washington?

Mr. GARD. Tell us the cost of maintenance of a prisoner either at Atlanta or Leavenworth now.

Mr. DUEHAY. It is running about \$247 a year. We have the statistics for that. They are incorporated in the annual report of the Attorney General.

Mr. GARD. From your compilation, can you tell me how much a month it costs to maintain a prisoner in either of these penitentiaries?

Mr. DUEHAY. \$247 a year.

Mr. GARD. \$20 a month.

Mr. DUEHAY. Running about 55 cents a day. We have reduced it from about 70 cents, in the face of the high cost of living that everybody has heard of.

Mr. NEELY. What does that 55 cents represent?

Mr. DUEHAY. All expenses.

Mr. NEELY. Is that in excess of the earning capacity of the prisoner, or do you take that into account?

Mr. DUEHAY. We do not take that into account. We have no opportunity to earn anything now.

Mr. NEELY. How are they employed?

Mr. DUEHAY. They are employed in maintenance.

Mr. NEELY. And only in maintenance?

Mr. DUEHAY. Only in maintenance and the construction of buildings.

Mr. IGOE. Mr. Duehay, what is the average time served by these prisoners committed to penitentiaries at Atlanta and Leavenworth?

Mr. DUEHAY. The average time would be about two and a half years.

Mr. IGOE. The average time actually served?

Mr. DUEHAY. Yes, sir.

Mr. IGOE. Do you think that the establishment of employment of this kind is going to have an influence upon the parole board and the Attorney General in passing upon paroles; that is, would it have the effect of causing them to think the prisoners could be taken better care of inside by this system?

Mr. DUEHAY. I think I can only answer that by telling what the Attorney General's idea is.

Mr. IGOE. If you are at liberty to give it.

Mr. DUEHAY. Our idea is to have an automatic parole, so that a man goes out automatically, and do away with all uncertainty of these paroles.

Mr. IGOE. I wish you would elaborate that a little bit.

Mr. CARAWAY. When a man has served one-third of his sentence?

Mr. DUEHAY. When a man has served one-third of his sentence and not violated any rules he goes out automatically on parole and serves the balance of his time outside under parole, and before he goes out he would have to have some work.

Mr. IGOE. I never could understand why a man should be obliged to serve one-third of his time before he was eligible to parole, and why there should be any fixed length of time—one-third, or more than one-third, or the day after he gets there.

Mr. DUEHAY. It is pretty hard. A man without friends will serve one-third and a man with friends will serve less than one-third. There is considerable dissatisfaction amongst the prisoners.

Mr. GARD. That is what the prison officials are for, to take care of the man who has no friends, whereas a man who has influential friends will be taken care of by them.

Mr. DUEHAY. We do take care of them, and that is the reason we want even justice.

Mr. GARD. The automatic feature does not amount to anything. You can take some poor fellow who has no friends, if you give it attention you can find out if he should be paroled if he had been there a year and make a statement of the case.

Mr. DUEHAY. I do.

Mr. GARD. How much time do you devote to the visiting of these prisoners yourself?

Mr. DUEHAY. I visit the prisoners on parole three times a year and some visits between, probably five times a year.

Mr. GARD. How long do you stay?

Mr. DUEHAY. I stay four or five days at parole meetings, and then on personal trips sometimes one or two days.

Mr. IGOE. Mr. Duehay, what I want to get at is: Under your statement here the prisoners serve an average of two and a half years. I think that is a pretty long time; that is 30 months. If they are released at the end of 10 months, automatically under your proposed system—I do not know anything about the amount of training it is necessary for a prisoner to have to engage in these employments, but you do. Now, can you get an efficient system where you have a force which is changing all the time, and no man serving longer than 10 months, and could you operate a system effectively with men who are serving such short periods of time?

Mr. DUEHAY. We could establish a system for the textile mill for men serving 10 months, but I do not believe we could establish such a system in a furniture factory.

Mr. IGOE. Why, then, is that suggested?

Mr. DUEHAY. Because we have other men, lifetime men, and men who are serving longer time, a sufficient number of them to operate the plant.

Mr. NEELY. What proportion of life men have you at Leavenworth?

Mr. DUEHAY. I am not prepared to say.

Mr. MCGLOSSON. I think about 5 per cent.

Mr. GARD. How many have you in Leavenworth?

Mr. MCGLOSSON. About 1,800.

Mr. GARD. I understand you have about 90 life men there.

Mr. MCGLOSSON. And there are a large number of long-term men, who are to serve 10 or 15 years.

The CHAIRMAN. How many men do you parole a year?

Mr. DUEHAY. About 300. I think there were 294 last year.

The CHAIRMAN. What were these men engaged in before the building operations at Atlanta and Leavenworth commenced?

Mr. DUEHAY. There has been no other industry there except building.

Mr. GARD. Do you have any farming industry attached to the penitentiary, either at Atlanta or Leavenworth?

Mr. DUEHAY. Our farms are small. We have 280 acres at Atlanta and 300 acres at Leavenworth available for cultivation.

Mr. CARAWAY. Why did you select Leavenworth, Kans., for the manufacturer of furniture when you have to transport your timber clear across the continent to have it manufactured there and then shipped back?

Mr. DUEHAY. We have the Missouri and Mississippi Rivers.

Mr. CARAWAY. You do not have the Mississippi River anywhere near Leavenworth.

Mr. DUEHAY. We have the Missouri River.

Mr. CARAWAY. You can not get up the Missouri except in dry weather, when you can walk. You have no transportation on it.

Mr. DUEHAY. Several successful furniture factories have been established at Leavenworth.

Mr. CARAWAY. What do they manufacture?

Mr. DUEHAY. Furniture.

Mr. CARAWAY. What classes of furniture?

Mr. DUEHAY. All classes.

Mr. CARAWAY. Do you mean to tell me that all kinds of furniture are manufactured there, or just some kind out of cottonwood and willow?

Mr. DUEHAY. They make good mahogany and good oak furniture there. One firm had a contract in the Lansing (Kans.) State Penitentiary for years. They are now in business for themselves outside of the penitentiary, and established a factory after years of experience right at Leavenworth. They are successful manufacturers, and they have made money.

Mr. CARAWAY. The mahogany comes from Mexico?

Mr. DUEHAY. It comes from the Canal Zone.

Mr. CARAWAY. And they transport it clear across the continent?

Mr. DUEHAY. They bring it back in the freight bottoms, in order to have freight to come back.

Mr. CARAWAY. They only bring it to the shore and then have got to transport it 1,000 or 1,500 miles by rail.

Mr. DUEHAY. They have an elaborate business in mahogany, and can make mahogany furniture as cheap as any good furniture manufacturing concern.

Mr. GARD. Of what does the cost of manufacture consist—the material is cheap?

Mr. DUEHAY. Mostly in material, 40 per cent.

Mr. FITTS. May I ask some questions?

The CHAIRMAN. You may.

Mr. FITTS. Mr. Duehay, did your commission, composed of the Chief of Ordnance of the Army, the Chief of Ordnance of the Navy, the purchasing agent of the Post Office Department, and yourself, assuming that you had to have some kind of a factory at Leavenworth, which of course was true, investigate Leavenworth thoroughly with the idea of ascertaining whether or not this furniture could be manufactured there to advantage?

Mr. DUEHAY. We did.

Mr. FITTS. Did you find other factories of furniture were successfully operating at Leavenworth?

Mr. DUEHAY. We did.

Mr. FITTS. Did you take the testimony of furniture manufacturers and the opinions of furniture manufacturers all over the United States—in North Carolina and Michigan and the East and West—as to whether or not Leavenworth was an available point?

Mr. DUEHAY. We did that.

Mr. CARAWAY. Let me ask you this: I can see why a furniture factory might be located to do business in that section, but it would hardly be contended, I assume, that that was the most available point in the United States at which to manufacture furniture to be used all over the United States?

Mr. DUEHAY. I believe if we had a penitentiary located there we would have to establish the furniture factory at the penitentiary.



Mr. CARAWAY. I was just thinking Atlanta is so much nearer the seaboard.

Mr. GARD. What character of manufacturing is carried on in and about Leavenworth, as a rule? I am not familiar with the manufacturing conditions in that section.

Mr. DUEHAY. Leavenworth, as you know, is very close to Kansas City, and, of course, the main manufactures are all at Kansas City, and there it is mostly in the meat industry—packing houses.

Mr. IGOE. What about the effect on the health of prisoners whom you propose to engage in this textile work?

Mr. DUEHAY. We have looked into that, and I have gone through some of the mills in the South, and I do not believe it has any effect, under the present modern system of ventilation. People live to a good old age down there in the mills.

Mr. IGOE. Those people are not confined, however, to the prisons for the rest of their days. I just asked the question and wanted to know whether that was considered.

Mr. DUEHAY. That matter was considered by the commission.

Mr. NELSON. What is the main purpose of the erection of these factories—the humanitarian furnishing of employment for prisoners?

Mr. DUEHAY. The main purpose of furnishing this employment is this, that when a man goes to the penitentiary he is taken away from his family. There is no support for the family. The family has to scatter or support themselves. That is all right, if the prisoner is a wealthy man who can leave money, but when you come to the farmer and the poor average man his family has to scatter and support themselves. We want to pay those men—

Mr. CARAWAY. Is there any difference in the poor man in the South and anywhere else?

Mr. DUEHAY. I said the poor man anywhere. His family is destitute, but we do have more poverty in the South than anywhere else.

Mr. NELSON. Your purpose is to give the prisoner a portion of the earning?

Mr. DUEHAY. To give the prisoner's family a portion of the earning from his work.

Mr. NELSON. And the other purpose is financially to make the prisoner self-sustaining and bear part of the expense?

Mr. DUEHAY. He does bear a part of the expense. He works and gets nothing for it now.

Mr. GARD. I notice in this bill you provide a wide discretion in the matter of payment to the inmates (reading):

SEC. 4. That the Attorney General is authorized and empowered to provide for the payment to the inmates of the said penitentiaries such pecuniary earnings as he may deem proper under such rules and regulations which he may prescribe.

Did your prison commission ever make any investigation as to what that probably should be?

Mr. DUEHAY. That is a very difficult question, because the man who scrubs the floor in a penitentiary and cleans out the cells is entitled to pay as well as the man who works in the shops, and we have got to develop this industry before we can equalize the payment. The man who works in the kitchen is entitled to pay, as is every man who works.

Mr. GARD. Your principal object would be to provide some clean, healthy employment?

Mr. DUEHAY. That is the prime object, but there is a certain class of men we have to keep within the walls, or else we could not maintain discipline.

Mr. GARD. You mean there is a certain class of men you can not make work?

Mr. DUEHAY. We can make them work, but only within the walls.

Mr. NELSON. I notice, Mr. Duehay, that the working capital asked for is something like \$400,000 in the two prisons.

Mr. DUEHAY. Yes, sir.

Mr. NELSON. Have you made any figures as to what the earning capacity of these factories will be—what they will produce in return for the outlay?

Mr. DUEHAY. We calculated to turn the money over four times a year, and that is about one-fourth of the whole capacity.

Mr. NELSON. What other avenues of occupation had you looked into—I mean the things that the Government needs, besides furniture and textiles?

Mr. DUEHAY. And munitions.

Mr. NELSON. That was impossible.

Mr. DUEHAY. The commission thought that the manufacture of munitions was impossible.

Mr. NELSON. What other things?

Mr. DUEHAY. The making of clothing for soldiers; and the commission thought that that would come in personal contact with the soldiers and sailors, and they would not like it. We thought the canvas was something they could not object to, as they would not come in contact with it personally. We thought of the making of shoes and decided that if there was any criticism that the Army could not get to a designated point in time that it would be said it was on account of the prison-made shoes.

Mr. NELSON. I presume you could not go into twine?

Mr. DUEHAY. We could not go into twine, because we would have to go into the open market to sell it, and the Post Office Department did not use enough twine to warrant us in putting up a plant.

Mr. NEELY. Did you consider the matter of putting the prisoners to work on the highways over which the United States mails are carried and the manufacture within the walls of materials to be used in making public highways?

Mr. DUEHAY. We went into that. We have quite a large class of prisoners to whom it would be more than a hardship to put them in the open. We would also have to have a great many more guards to surround the prison camps, not only in daytime but especially at night, and you would have to have almost a chain of men to hold them.

Mr. NEELY. How about road material?

Mr. DUEHAY. We can work roads with a certain proportion of our men.

Mr. NEELY. What proportion could you safely put upon the highways?

Mr. DUEHAY. I think about half the men can go out and half must be kept in.

Mr. NELSON. These being Federal prisoners, you would be building State roads for States.

Mr. DUEHAY. We would be building State roads for States, and there would be more or less jealousy where the work could be done.

Mr. NEELY. They could be placed in any State over which the United States mails are carried?

Mr. DUEHAY. That is true; that is the proportion of the men we hope to work on the farm. We would like to get a large farm.

Mr. GARD. The development of modern prisons is along the line of keeping them more out of doors. In other words, is not the modern idea, assuming you have given it consideration, as I hope you have, to keep them out as much as possible?

Mr. DUEHAY. Yes, sir; but you will find in all prisons a certain proportion of prisoners whom you can not keep out.

Mr. GARD. A very small proportion, is it not?

Mr. DUEHAY. About half of them.

Mr. CARAWAY. Why can they not be kept out?

Mr. DUEHAY. Because they will leave you unless you have guards.

Mr. CARAWAY. In my State we keep none inside the walls—all classes, and life-term prisoners.

Mr. DUEHAY. The life-term prisoners are the best prisoners.

Mr. CARAWAY. All kinds are kept on the farm.

Mr. DUEHAY. What State is that?

Mr. CARAWAY. Arkansas.

Mr. STEELE. The Attorney General in his report says the same thing. He says at Atlanta prisoners can be worked in the open air.

Mr. GARD. Is not the better plan—I am speaking of your experience as a prison manager——

Mr. DUEHAY (interposing). I am very much in favor of keeping them in the open.

Mr. GARD (continuing). That if you have farms you can maintain them in the open and have better products and afford employment for men under competent supervision all the while?

Mr. DUEHAY. But we feel—and I feel clearly on that—that a large proportion of them can not be kept outside, but we have to keep them within the walls for the sake of discipline.

Mr. GARD. What character of prisoners do you have which are different from the character of those who go to the State institutions?

Mr. DUEHAY. We feel that if there is such a thing we have a better grade of prisoners.

Mr. IGOE. Your prisoners are 90 per cent literate?

Mr. DUEHAY. Our prisoners are 90 per cent literate and can read and write; are not lawbreakers; they never intended to go to the penitentiary; did not expect to be caught.

Mr. GARD. In what proportion are your prisoners divided as between blacks and whites?

Mr. IGOE. During the year there were 1,961 whites and 1,604 colored and 182 Indians.

Mr. GARD. At what prisons?

Mr. IGOE. Atlanta and Leavenworth.

Mr. DUEHAY. The most of our colored prisoners have been coming from the District of Columbia. The District of Columbia is now beginning to take care of them herself, so the proportion from here will be small.

Mr. GARD. Where are you going to take care of them here?

Mr. DUEHAY. They are establishing what they call a reformatory at Occoquan.

Mr. GARD. On the workhouse site?

Mr. DUEHAY. On the workhouse site. They have 1,000 acres west of that site and they are going to build a reformatory.

Mr. IGOE. Your list shows 353 colored prisoners sent to Leavenworth from all the States in the West and 302 from the District of Columbia.

Mr. FITTS. They were going to Leavenworth and they are now being brought back.

Mr. GARD. That is a very large proportion—302—out of a population such as the District of Columbia.

Mr. IGOE. All whites and blacks?

Mr. DUEHAY. Blacks are more largely represented in criminals.

Mr. GARD. What character of crimes do they commit?

Mr. DUEHAY. All kinds—petty thievery, assaults, and burglary.

Mr. FITTS. We get from the District of Columbia the same class of offenders as State prisons get all over the Union.

Mr. GARD. That is a large percentage for the population of the District of Columbia.

Mr. DUEHAY. We have about 700, 300 at Atlanta and 400 in Leavenworth, from the District of Columbia.

Mr. IGOE. And now you are going to keep them here?

Mr. DUEHAY. A portion of them will be kept here, but not under the Federal Government.

The CHAIRMAN. Mr. Fitts, how were these prisoners occupied prior to 1891?

Mr. FITTS. They were distributed to jails and State penitentiaries, and the contract that the Government had with the State of Ohio carried most of them to Columbus.

The CHAIRMAN. We have recently adopted by the committee what is known as the probation bill, giving United States judges power to suspend sentence and put a man on probation. What effect do you think that will have in reducing the number of prisoners?

Mr. DUEHAY. That would reduce them one year, and after that they would steadily increase. Personally, I would not favor that.

Mr. NELSON. You stated personally what?

Mr. DUEHAY. Personally, I would not favor such a bill.

Mr. NELSON. Why not?

Mr. DUEHAY. I would favor probation for first offenders under 21 years old, for young boys, but I would not for mature men. I would let him take some punishment, and the only punishment that you want to give a man is to deprive him of his liberty. He must have all the other privileges that he would have on the outside, and the only punishment I believe a man is entitled to is to deprive him of his liberty.

Mr. GARD. You do not believe in probation for prisoners over 21 years of age?

Mr. DUEHAY. No, sir. If you put on probation men over 21, you will have all kinds of justice.

Mr. GARD. There is only one kind of justice?

Mr. DUEHAY. Yes; and the same to every man.

Mr. GARD. That is it.

Mr. DUEHAY. If you have probation for the older men, if there are 50 different judges you will have 50 different kinds of justice.

Mr. IGOE. Do you not think a judge who is competent to say that a man shall go to the penitentiary for 5 years or 30 years is not competent to say whether a man shall be put on probation or not?

Mr. DUEHAY. Do you not think the Congress of the United States is more competent to judge than the judge himself?

Mr. IGOE. No.

Mr. DUEHAY. When they say the punishment shall be a certain punishment, a certain confinement, and practically legislate the punishment?

Mr. IGOE. I think when the Congress says that the punishment shall not exceed so much, and then says to the judge, "If you think that this man may be permitted to go on probation and that he will make a better citizen that way," I do not see why the judge is not competent to pass upon the case, having all the facts before him, better than the Department of Justice.

Mr. DUEHAY. Suppose this man, for instance, a prisoner, was an oleomargarine violator and had been instrumental in putting that judge in his position, do you think that man as an offender would serve any time?

Mr. GARD. Do you mean that the judges are men without veracity and discretion?

Mr. DUEHAY. No; I do not.

Mr. GARD. And that because a man had been convicted as an oleomargarine dealer—

Mr. DUEHAY. I mean this, that there will be as many different kinds of justice as there are judges.

Mr. CARAWAY. Why not take away the question of how long these sentences shall be, if you can not trust the judges?

Mr. DUEHAY. The judges sentence a man within the limits laid down by Congress. You say a man shall serve from one to five years, and then the judge has the discretion.

Mr. CARAWAY. Why trust the judge? Why not say five years, if you can not trust the judges?

Mr. DUEHAY. You mean probation?

Mr. CARAWAY. Why give them any discretion at all if you can not trust them?

Mr. GARD. The judiciary has, at is very base, criminal justice; but in your idea of restricting probationers you seem to think along lines which to my mind are not at all in accord with modern thought—distinctly archaic, if I might use that term.

Mr. DUEHAY. I think probation for first offenders, under 21 years, is a good thing, to save the boys from going to a penitentiary, is about all the probation is desirable for.

Mr. GARD. What about 22 years?

Mr. DUEHAY. You will have to fix some limit.

Mr. IGOE. Do you not fix the limit by the facts in the particular cases? How can you draw too hard and fast a rule for offenders, and say one shall be turned off under 21 and not if he is over 21, without knowing what the facts are in the case, the environment, the training of the boy, the surroundings, and all those things?

Mr. DUEHAY. I think you are right about that.

Mr. IGOE. Somebody has to pass upon that.

Mr. DUEHAY. Somebody has to pass on it.

Mr. IGOE. Do you not think that a Federal judge, who has the witnesses before him, who has the defendant before him, who has the advice of the district attorney and the Government agents on the ground, who has an opportunity of investigating the surrounding of the defendant, is in a better position to say whether that man shall be put upon probation than any other person who simply has the facts written and presented for consideration in that way? .

Mr. DUEHAY. I think all you have stated has been a very forceful argument for automatic parole.

Mr. IGOE. My system does not provide for automatic parole.

Mr. DUEHAY. Then the judge can fix the time a man has actually got to serve?

Mr. IGOE. He does it now. In oleomargarine cases he can send a man to jail for 30 days or to the penitentiary for 2 years.

Mr. DUEHAY. But if he sends a man to the penitentiary for two years the parole board might let him out in eight months.

Mr. IGOE. And if he is sent to jail for 30 days he gets out in 30 days?

Mr. DUEHAY. Yes.

Mr. IGOE. If the judge is honest enough to be permitted to fix that range of punishment, why should not we go a little further and say that while we find the oleomargarine offender might help the judge get elected, we still think the judge is honest enough to pass upon the question of probation?

Mr. DUEHAY. I am not lawyer enough to know whether you could give the limit 30 days, possibly it would be a year and a day.

Mr. IGOE. They give lots of them 30 days, and of course for some offenses, for instance, at the customhouse, where a man is bright enough to engage in importation, he can violate the Federal laws and deprive the Treasury of a couple hundred thousand dollars, and he has a simple prosecution, where the Government penalizes them, and in a criminal case he is fined \$10,000 and he goes free, but some oleomargarine dealer or some whisky bootlegger who deprives the Treasury of two or three dollars or a hundred or a thousand dollars, he can go to the penitentiary for two years.

Mr. DUEHAY. I want to tell you that that textile factory in Atlanta is needed for that very bootlegger you speak of, who is not a criminal.

Mr. CARAWAY. I would like to know what kind of a designation you give to a man who peddles whisky in violation of law.

Mr. DUEHAY. You take some of those boys who violate the whisky law, and they are not criminals at all. They have been taught by their fathers that that is all right.

Mr. CARAWAY. I would like to see the father who taught his son that that was not wrong.

Mr. DUEHAY. If you go to the Atlanta Penitentiary and see fathers and sons come in there, you would realize that.

Mr. FITTS. That is almost entirely confined to the western district of North Carolina.

Mr. IGOE. In these Federal prisons you have very few prisoners charged with those offenses, for instance, that are punishable by 60 days or anything like that; you do not bother with them, but they go to county jails?

Mr. DUEHAY. Yes, sir.

Mr. IGOE. For instance, I communicated with your office the other day and found there were over 14,000 convictions in Federal courts last year, and of those 14,000 convictions I do not know how many were fined and how many received prison sentences, as I was unable to get the information, but of all those 14,000 convictions there were 2,787 committed to Federal penitentiaries and State prisons that are listed in your reports. That shows, of course, that there are a great many who must have been fined or given just short jail sentences that you are not concerned with.

Mr. NELSON. Mr. Duehay, it was said, when considering this probation bill, that this bill was necessary in order to take care of certain prisoners out under suspension that now would be sentenced.

Mr. IGOE. Who said that?

Mr. NELSON. It was a statement for the bill.

Mr. IGOE. When was that stated?

Mr. NELSON. It was generally stated along that line.

Mr. DUEHAY. I do not know a thing about that.

Mr. NELSON. How many are out?

Mr. DUEHAY. I do not know the number.

Mr. STEELE. It was stated there were 2,000.

Mr. NELSON. And I think you said something like 500.

Mr. IGOE. The information I got from the Attorney General's Office over the telephone was that last year there were probably 500 cases of suspension of sentence in one year, and altogether, according to a Supreme Court decision, it was stated there were 2,000 cases affected by this decision. The Attorney General's Office, as I understand, or Mr. Duehay's office, has the definite figures as to how many cases there are.

Mr. DUEHAY. Our office would not have that; that comes up with the law.

Mr. NELSON. Where could I get that; in other words, find out who these men are?

Mr. DUEHAY. I imagine if you addressed the Attorney General you could get it all right.

The CHAIRMAN. The opinion of the Supreme Court states that there are at least 2,000.

Mr. DUEHAY. That would be a special feature. We were speaking of the probation bill for the future.

The CHAIRMAN. This is a probation bill also.

Mr. GARD. I notice the language of the bill provides for the manufacture of textiles. Under the ordinary definition of that word it would include all sorts of woven-cloth factories?

Mr. DUEHAY. Yes, sir.

Mr. GARD. Is it possible that you could make linens, woollens, or any other textiles, that you could make tents and mail sacks and clothing, carpets and rugs, anything of that kind. and is that the object?

Mr. DUEHAY. That is not the object. We have the assistant superintendent of prisons here, who has detailed information of what we actually propose to make.

Mr. GARD. What is the cost of manufacture of the mail sacking at the present time to the United States?

Mr. DUEHAY. Will you allow Mr. McGlasson to give you that information?

Mr. GARD. I thought possibly you could.

Mr. DUEHAY. I do not know.

Mr. GARD. Do you know the cost of the fabric used in the manufacture of tents?

Mr. DUEHAY. Personally, I do not.

Mr. MCGLOSSON. The cost of the fabric the Government is now buying I can not give, because that fabric is all bought by the contractor who is now furnishing the Government with those things.

Mr. IGEOE (reading):

The following statement shows prices of articles listed on page 2 of your letter published by the Quartermaster Corps during the fiscal year 1916: Eight-ounce duck, 15.8 cents per yard; 12.4-ounce duck, 23.1 cents per yard; and No. 8 duck, 34-inch, 24.1 cents per yard.

Mr. MCGLOSSON. That is the Government's cost.

Mr. GARD. Mr. Duehay, do you provide, if you manufacture textiles, what length of time would be required to educate the persons confined in the prisons, so that they could assist in that manufacture?

Mr. DUEHAY. When we first establish these factories we would have to employ a greater number of civil employees and eliminate them as we educate our prisoners. In some branches we can educate a man in four to six weeks to tend machines, for the major part of it will depend on the man, and maybe it will take a year or two years.

Mr. GARD. It will be necessary to have all the supervision and practically all the work that is not purely mechanical done by hired labor.

Mr. DUEHAY. It will be necessary to have that done by hired labor and then eliminate that hired labor as we educate our prisoners.

Mr. GARD. What do you figure is the cost of the installation of the hired labor and the supervision necessary to place this thing on a working basis?

Mr. MCGLOSSON. The commission did not make any estimate on the number of civil employees needed.

Mr. GARD. You might put in a hundred employees in the Atlanta prison, and I suspect you would have to have at least that many.

Mr. DUEHAY. A hundred?

Mr. GARD. Yes.

Mr. DUEHAY. No; we probably would employ 300 men and have 1 foreman to every 10 men, and that would be 30 or 40 at the first; that is our calculation.

The CHAIRMAN. Do you propose to spin and weave?

Mr. DUEHAY. We have made no allowance for spinning.

The CHAIRMAN. Who is going to weave your stuff. You can not make duck or sheeting or tenting without weaving.

Mr. MCGLOSSON. We will just buy the yarns.

Mr. IGEOE. Who did this commission get the information from as to the operation of these enterprises that you contemplate?

Mr. MCGLOSSON. The commission employed a mill engineer and architect.

Mr. IGEOE. Who was he?

Mr. MCGLOSSON. A man named Dyer.

Mr. IGEOE. Where is he located?

Mr. MCGLOSSON. In the Land Title Building, Philadelphia.



Mr. IGOE. What is his business?

Mr. MCGLOSSON. Mill engineer and architect, who specializes in textile mills.

Mr. IGOE. Has he made any reports to the commission that are not embodied in this report submitted to the House of Representatives?

Mr. DUEHAY. Nothing except drawings, and the drawings are not shown.

Mr. IGOE. There are some letters here from him, but, for instance, they do not go into the details suggested by Judge Webb. I was wondering if there were any figures submitted as to the length of time it would take to train these men and the details of cost, etc.

Mr. DUEHAY. The time allowed the commission was so short that the architect did not have time to visit the penitentiaries and go into that feature.

Mr. IGOE. You mean this expert did not go to the penitentiaries?

Mr. MCGLOSSON. Oh, no. He took the ground plans of the institutions, and made his plans up from that.

Mr. IGOE. Did he base his recommendations on free labor or did he take into view, for instance, the statistics you have as to the previous occupations of these prisoners, and their social condition and age, etc.?

Mr. MCGLOSSON. No; he did not do that.

Mr. IGOE. When did you get the commission to work?

Mr. MCGLOSSON. They got to work about the middle of October.

Mr. IGOE. Of 1916?

Mr. MCGLOSSON. Of 1916.

Mr. IGOE. The authorization was in the deficiency bill of September 8, 1916; between that and December 2 the commission evolved this plan?

Mr. MCGLOSSON. It happened when that act was passed all of the members of the commission, with one exception, were out of Washington, and did not come back until about the middle of October, when they had their first meeting.

Mr. IGOE. How much time did they really put in?

Mr. MCGLOSSON. From the middle of October to the first of September.

Mr. IGOE. Do you think if you had had more time you could have made a more detailed report?

Mr. MCGLOSSON. The commission might have made more elaborate estimates from the architect's plans.

Mr. IGOE. You think the conclusions would have been the same?

Mr. MCGLOSSON. Substantially the same.

Mr. GARD. Did this same man work out the Leavenworth furniture factory?

Mr. MCGLOSSON. Yes, sir.

Mr. GARD. How much compensation did he receive?

Mr. MCGLOSSON. He got \$1,000.

Mr. GARD. You said that he was an expert in textiles?

Mr. MCGLOSSON. Yes, sir; he specializes in textiles, but he also qualifies in furniture.

Mr. CARAWAY. He would certainly be a good man on freight rates.

Mr. IGOE. Did the commission make any estimate of the different work in State institutions, of plants in actual operation?

Mr. MCGLOSSON. The commission employed me, and I visited not only institutions, but I visited commercial plants and visited manufacturers of machinery.

Mr. CARAWAY. What is your position?

Mr. MCGLOSSON. I am assistant superintendent of prisons.

Mr. CARAWAY. What were you formerly employed at? You have not been assistant superintendent of prisons all your life. What other experience have you had?

Mr. MCGLOSSON. I have been in the railroad business and in the printing and brewery business.

Mr. CARAWAY. What was your employment in the railroad—what did you do?

Mr. MCGLOSSON. I was with the Baltimore & Ohio—office work.

Mr. CARAWAY. Where were you at work?

Mr. MCGLOSSON. Cincinnati.

Mr. CARAWAY. And then you were in the printing and binding business where?

Mr. MCGLOSSON. Cincinnati.

Mr. CARAWAY. Were you in your own shop?

Mr. MCGLOSSON. No, sir; I was manager of the shop.

Mr. CARAWAY. And that was the only experience you had in the manufacturing business?

Mr. MCGLOSSON. Yes—well, I was in a brewery manufacturing business.

Mr. IGOE. Mr. McGlasson, is Mr. Dyer a construction engineer?

Mr. MCGLOSSON. Yes, sir.

Mr. IGOE. Has he had any experience in the actual operation and management of these textile mills, and does he know anything about the costs of manufacture, aside from the mere architectural or construction features of the enterprise?

Mr. MCGLOSSON. He gives in his report there an estimate of the costs of material.

Mr. IGOE. I understand that, but I am just trying to find out what his experience is.

Mr. MCGLOSSON. He has installed plants and supervised their operation in the beginning, to get them started right.

Mr. IGOE. That was the machinery. I want to know if he has had any actual experience or if he is qualified to speak as to the cost and the feasibility of working prisoners upon this particular kind of work. I want to say that I am anxious to see these prisoners employed, and I am anxious to do anything that will help along a peaceable plan, but I do not want to follow the recommendations of a man who does not know more about it than I do.

Mr. MCGLOSSON. I do not believe Mr. Dyer ever had any experience installing plants in prisons.

Mr. IGOE. Has he had any experience as to the management and operation of textile mills, aside from the construction or designing of a plant?

Mr. MCGLOSSON. Only as I have said before, to get a new mill started he would supervise the work.

Mr. FITTS. I think that was a call to the House, and I realize that the members of this committee must soon go, and with your permission, Mr. Chairman, and that of the committee, I would like to say a word, representing the Attorney General.

I hope, gentlemen of the committee, and beg of you that you will bury and obscure all differences about parole and probation. They are matters in fields of inquiry and reform and uplift, and reformers and benefactors differ about them the world over, and I do hope that the committee will confine itself to this particular crisis, as presented by this bill, not in the sense that I hold any brief for this particular bill or this particular form of industry, but the situation is appalling. In this letter of the Attorney General he says he can not exaggerate this situation with respect to these 2,000 prisoners. When you come to think of them being in idleness, and that they will get into habits, so he is informed and we are informed by those who have been engaged in human uplift, which will defeat the very objects of prison life, and there will be a failure of the whole system. When you come to examine what the prisoners can be utilized for, the field is very circumscribed. You have to find for them proposed lines of endeavor that do not conflict with the views, the intelligent, well-developed views of the labor leaders of to-day. There is not any doubt about that. So that makes it a circumscribed proposition.

In the next place, it must be a field of usefulness that will comport with their health and also which is applicable to two institutions widely separated, in remote parts from other parts of the United States, because of the vastness of this country. That practically defeats the idea of employing the prisoners on road works, carrying them in vans thousands of miles from the habitat where they belong.

Another idea is that farm work is the one that appeals to the normal mind; it appeals to me. There are a certain number of prisoners, so we have heard and doubtless it is true, who can not be employed in the open or at farm labor, either because they are infirm or because they come from a delicate class, and a great many prisoners are not prepared for farm labor by their former lives, and at Leavenworth the prison is situated in so harsh a climate that it would not be feasible, while at Atlanta all the year outdoor work could be encouraged.

Now, Mr. Chairman and gentlemen of the committee, I implore you not to be prejudiced with respect to this crisis and this situation that calls for legislative remedy and because the Attorney General—

Mr. IGOE. What do you mean by "not be prejudiced"?

Mr. FITTS. I am going to tell you what I mean. I ask you not to be prejudiced by any lack of detailed information.

Mr. CARAWAY. Or any information.

Mr. FITTS (continuing). At the hands of those who probably might be better prepared to answer this realm of questions to which the mind naturally leads in a matter of this sort.

Mr. NELSON. Would you say that we should not see whether this thing is practicable?

Mr. FITTS. I am coming to that.

Mr. NELSON. You ask for \$730,000 to install these plants. How do I know, as a Member of Congress, that it will not cost two or three million dollars?

Mr. STEELE. They ask for \$400,000.

Mr. NELSON. That is working capital.

Mr. STEELE. It is part of the investment.

Mr. FITTS. I do think that the committee should ascertain whether it is practicable.

Mr. STEELE. How are we going to do that by these witnesses?

Mr. FITTS. Not only by these witnesses but from your own storehouse of knowledge.

Mr. CARAWAY. Have these witnesses given any information?

Mr. FITTS. I will not dwell on that; I will finish this. That comes largely from your own storehouse of information. Nobody gets information like lawyers nobody has information such as a council of lawyers by accumulation; and not only that but other information is at hand and can be easily obtained. But I want to impress upon the committee to get that information, and speedily, and to give relief—not necessarily this relief, but this has been found by this commission and recommended by the Attorney General as to the two prisons, the one for one penitentiary and the one for the other, that do not collide with impediments that are insurmountable.

Mr. CARAWAY. That is what we want to know. I think we are all in favor of providing honest, clean employment for prisoners, but we want to know what that should be.

Mr. FITTS. One further thought, if you will pardon me, with the utmost respect for what you are saying—

Mr. CARAWAY. Certainly.

Mr. FITTS. If you do turn aside from these plans, then let me impress upon you the importance of finding a plan within the next 30 days, or before the adjournment of this Congress, and providing some means of employing these prisoners during an approaching term of idleness that will not only be disastrous to them but absolutely entail great and staggering financial loss to the Government in the handling of this as well.

Mr. STEELE. How long was this commission investigating this matter?

Mr. FITTS. This commission was investigating this matter only from the time of the passage of the sundry civil bill and the assembling of Congress.

Mr. STEELE. How long was that?

Mr. FITTS. That does not cover more than about a year.

Mr. STEELE. The Attorney General said in his report that you have installed a tailor shop.

Mr. FITTS. I am a lawyer. I have not any more experience than you have. Ask these gentlemen.

The CHAIRMAN. The committee will now take a recess until 2 o'clock this afternoon.

(Thereupon, at 12.35 o'clock p. m. the committee stood at recess until 2 o'clock this afternoon.)

#### AFTER RECESS.

The committee reconvened, pursuant to the taking of recess.

The CHAIRMAN. The committee will come to order. When we recessed at 12 o'clock Mr. Duehay was addressing the committee, and we will be glad to have you continue your remarks, Mr. Duehay.

## STATEMENT OF MR. F. H. DUEHAY—Continued.

Mr. DUEHAY. Before we go any further, Mr. Chairman, it might be well to review the situation at the prisons a little and to tell you how I found them when I became superintendent of prisons and what they are now and the necessity for this industry.

The bill was passed in 1891 to create these penitentiaries, and the work was started on the erection of them in 1897; it continued along for 16 or 17 years; they were in no hurry about it, because they thought if they did finish the penitentiaries there would be nothing for the men to do. At that time they had succeeded in getting at Leavenworth 480 cells and at Atlanta 420 cells. During the three years that I have been superintendent of prisons we have increased the cell capacity at Leavenworth 550 cells and at Atlanta 500 cells. This year—1917—we will have a further increase at Leavenworth of 550 cells and at Atlanta 500 cells, giving us the full capacity of the institutions.

Mr. VOLSTEAD. How many prisoners have you in those prisons?

Mr. DUEHAY. We have 3,365 in both prisons. We are taking care of 1,025 more prisoners in the two penitentiaries than we were three years ago.

Mr. CARLIN. What has been the experience of the States in the use or leasing of prison labor for manufacturing purposes?

Mr. DUEHAY. There are very few States that have continued that; they have reverted to the State-use system.

Mr. CARLIN. They have abolished that practically?

Mr. DUEHAY. Yes; proctically. There is some little of it left, but not much. It is not considered the best way for the employment of prison labor.

Mr. GARD. It is the object of this bill to have them make products that the United States can use?

Mr. DUEHAY. Yes.

Mr. CARLIN. What States are there that use the prisons for manufacturing purposes?

Mr. MCGLOSSON. The State of New York is one of the principal States that has adopted the State-use systems. They make furniture for the State in the State institutions and garbage carts for use in the city of New York. There is a catalogue here showing what they make.

Mr. VOLSTEAD. And California, too?

Mr. DUEHAY. Yes; California.

Mr. GARD. What do they make in California?

Mr. DUEHAY. They make furniture and jute bags and twine.

Mr. VOLSTEAD. That is not for State use, is it—the bags and twine?

Mr. DUEHAY. No.

Mr. CARLIN. We had the system in Virginia of leasing prisoners to concerns manufacturing shoes, but we abolished it, because we thought that making them in competition with other labor was not a good proposition. The effect of this bill would be to eliminate the Government from the market as a purchaser of the products of other labor, so far as these particular articles are concerned which these men would make, and to that extent it would be in conflict with free labor, would it not?

Mr. DUEHAY. The labor unions recognize that you have got to employ the prison labor in some way; and they are on record as favoring the State-use system, so long as you employ certain labor and do not put the finished product or material in competition with free labor in the open market. They raise no objection to it.

Mr. FITTS. Further, and more specifically than that, they have been advised with respect to this particular bill.

Mr. NELSON. I have understood that Mr. Holder represents Mr. Gompers and the Federation of Labor here for this bill and that he is willing to talk for it.

The CHAIRMAN. We will have Mr. Holder next.

Mr. DUEHAY. I think we have a letter here that Mr. Gompers sent to the department.

Mr. CARLIN. Mr. Neely introduced a bill which provides another method of using prison labor, and that is for the building of roads in the States.

Mr. DUEHAY. Yes, sir.

Mr. CARLIN. Why is not that just as good a method as this?

Mr. DUEHAY. The building of roads would be a good thing for a State institution within the boundary of the State; but we have 48 States, and it would be rather impracticable to distribute our men and to divide them up amongst the 48 States. We could not build roads only in the States of Kansas and Georgia.

Mr. CARLIN. Why not? The prisoners are there, and why could you not build roads in the States where the prisoners are located?

Mr. DUEHAY. Because I do not believe the other States would stand for it.

The CHAIRMAN. Mr. Neely's bill required the counties where Federal prisoners worked to pay 50 cents a day to each prisoner and to keep them. It might be that the State of Georgia would be willing to pay that much, but I imagine that they would not want that many prisoners added to their own prisoners to work their roads.

Mr. CARLIN. Under the system of working State prisoners on State roads, they encounter the same conflict with reference to the different counties in the State as you would encounter with respect to the various States of the Union; but it works out in this way: You can not get prison labor into every county in the same year. Yet, if the system goes on, it will eventually get around all over the State, and so it would be with this labor—it could be eventually distributed over the country. While Georgia might take your labor this year, next year she might not want it, and Arkansas might take it, or Michigan, or some other State; and why is it not even a more desirable plan than having them manufacture things that free labor is now manufacturing, and thus directly closing off the Government as a purchaser for the particular articles which they would manufacture?

Mr. DUEHAY. Is not free labor building roads?

Mr. CARLIN. That is true, to some extent, but the trouble is that we are not getting the roads. The problem is an endless one. If Federal prison labor is to be employed, is there any better way to employ it, for the benefit of the general public, than to employ it upon the public roads?

Mr. McGLASSON. A considerable number of prisoners in the penitentiaries are not suitable for road work. The road work could only

be done in certain seasons of the year; and there would be other seasons when it would not be feasible to employ the men for out-of-door work, unless you put them in the Southern States in the winter-time, and in the Northern States in the summer; and that would require transporting them back and forth—this big prison population of 3,500 men—and they would not have the chance to study in the road camps that they have when they are confined in the prisons. We have night schools and correspondence courses, and they are taught trades, and they would not have those opportunities, it seems to me, in the road camps.

Mr. DUEHY. Furthermore, I believe that the practical difficulties of maintaining such camps at points remote from the prisons would be insurmountable.

Mr. CARLIN. But the State becomes responsible for the prisoners. When you turn a prisoner over to the State to work on its roads, they have the same guard system that you have, and every precaution is taken to take care of them; they feed them and entertain them, and then work them.

Mr. DUEHY. I really believe that would be a backward step, to allow each State to take care of Federal prisoners. There should be uniformity about the treatment of Federal prisoners.

Mr. CARLIN. True. There should be uniformity in each State, except that each State reserves the right to have its own system. We have 48 different methods of handling prisoners.

Mr. DUEHAY. State prisoners, but not Federal prisoners, and we are charged with responsibility for taking care of Federal prisoners.

Mr. CARLIN. Yes; and the question is: What is the best way to take care of them?

Mr. DUEHAY. Yes.

Mr. CARLIN. And what is the best service you can get from them without interfering with people who are not in prisons.

Mr. DUEHAY. We eliminate road work on account of the difficulties of carrying them to different camps in different States, and because of the further difficulty of insuring adequate supervision over them while they are in those camps. Then, with respect to the educational feature, I may say that while many men come into the penitentiaries who are unable to read or write, they usually go out fairly well educated; at least able to read and write.

Mr. GARD. Is there at present any machinery for manufacturing in either Atlanta or Leavenworth?

Mr. DUEHAY. At Leavenworth we have some stone machinery; we have a stone shaper and a diamond saw.

Mr. GARD. For what do you use them?

Mr. DUEHAY. For cutting the stone for construction.

Mr. GARD. For the construction of buildings on the prison reservation?

Mr. DUEHAY. Yes, sir; the prison buildings.

Mr. GARD. But no machinery for making anything for sale or commercial use?

Mr. DUEHAY. No, sir. We have a brick plant there at Leavenworth.

Mr. GARD. What about the machinery at Atlanta?

Mr. DUEHAY. Nothing but the machinery that we use for maintenance purposes, like making shoes.

Mr. GARD. You make shoes there?

Mr. DUEHAY. Yes; just for the inmates.

Mr. GARD. Do you make clothing there?

Mr. DUEHAY. Yes, sir. We have sewing machines.

Mr. GARD. How many?

Mr. DUEHAY. I am unable to tell you that at the moment.

Mr. GARD. How about the shoe plant; how big is that?

Mr. DUEHAY. We have about 15 or 20 men working in it. The last time I was there I think I counted about 16 men.

The CHAIRMAN. They make shoes for the inmates?

Mr. DUEHAY. Yes.

Mr. GARD. What do the rest of the men down there do now. Take Atlanta, for instance?

Mr. DUEHAY. We have about 350 of them on construction work.

Mr. GARD. That is building construction?

Mr. DUEHAY. Yes; building construction. We carry about 50 on the farm.

Mr. MCGLOSSON. Here is a list showing the distribution of prisoners at Leavenworth on a certain date. Thirty-one barbers, 14 blacksmiths—

Mr. DUEHAY. We have it in detail for Leavenworth and can give it more accurately.

Mr. GARD. I was asking you about Atlanta. I assumed you knew, since you are president of the commission.

Mr. DUEHAY. Yes; but it is hard to carry all these figures in one's head. I could give it to you in detail later. But this is practically the same as for Atlanta. At Leavenworth we have 31 barbers on the maintenance force; we have 14 blacksmiths on construction. There are 40 men working in that boiler house.

The CHAIRMAN. Do not read that whole list. Just insert it in the record.

Mr. DUEHAY. Seven hundred and three on construction and 893 on maintenance and 97 idle men. The idle men are men excused by the doctors from working.

Mr. GARD. On account of illness?

Mr. DUEHAY. Yes, sir; on account of illness.

(The statement above referred to is as follows:)

*Assignment of inmates of United States Penitentiary, Leavenworth, Kans., on Jan. 22, 1916.*

	Construc- tion.	Mainte- nance.	Idle men.
Barbers.....		31	
Blacksmiths.....	14		
Boiler house.....		40	
Bricklayers.....	28		
Brickmakers.....	122	15	
Carpenters.....	23	33	
Cell-house orderlies.....		69	
Cement finishers.....	27		
Chief clerk's office.....		10	
Clothing department.....		20	
Deputy warden's office.....		9	
Deputy warden's residence.....		3	
Electricians.....	7	13	
Engineers and firemen.....	7	2	
Farm hands.....		2	
Gate keepers.....		16	
General work.....	192	10	



*Assignment of inmates of United States Penitentiary, Leavenworth, Kans., on Jan. 22, 1916—Continued.*

	Construc- tion.	Mainte- nance.	Idle men.
Grading.....	14		
Hospital, patients and attendants.....		47	61
Hospital annex, patients and attendants.....		7	10
Ice plant.....		5	
Isolation.....	5	2	6
Kitchen.....		132	
Laundry.....		49	
Lawns and greenhouse.....		5	
Library and chaplain's office.....		13	
Machine shop.....	9	6	
Musicians.....		23	
Mail room.....		12	
Orderlies (general).....		36	
Plasterers and glaziers.....	16	8	
Plasterers and helpers.....	30		
Power house.....		9	
Printers.....		24	
Quarry and shale pit.....	22		
Railroads and locomotive.....	11		
Sheet-metal workers and plumbers.....		32	
Special agent's office.....		27	
Stable and corral.....		15	
Storeroom.....	2	8	
Stone sawmill and planer.....	12		
Stone setters and helpers.....	12		
Stone shop.....	105		
Structural-steel workers.....	32		
Superintendent of construction, office.....	5		
Tailors and shoemakers.....		143	4
Teamsters.....	8	11	
Warden's office.....		2	
Warden's residence.....		4	
Miscellaneous and unassigned.....			16
Daily total.....	703	893	97

Total men, 1,693.

Mr. CARLIN. What chance would those fellows have to manufacture furniture for the Government, if we should pass this bill?

Mr. DUEHAY. We would not carry more than 200 men on construction work after this work is completed.

The CHAIRMAN. When do you expect to get through with the construction work at Atlanta?

Mr. DUEHAY. January, 1918, at Atlanta.

The CHAIRMAN. That is, a year from now?

Mr. DUEHAY. Yes. At Leavenworth we will furnish the cells this year. We still have the administration building and what we call the rotunda, but it will not take more than 200 men on that.

The CHAIRMAN. For a year?

Mr. DUEHAY. Probably two years, but that is not essential. We will have full capacity when we finish our cell work.

Mr. IOE. The full force that is now occupied in construction work at Atlanta will continue to be so employed until the 1st of January, 1918; is that correct?

Mr. DUEHAY. Not the full force, because we will be gradually finishing up.

The CHAIRMAN. Mr. Duehay, would you object to suspending for five minutes, in order to permit Mr. Holder to make a statement. He is in somewhat of a hurry, as he has to catch a train.

Mr. DUEHAY. Certainly not.

The CHAIRMAN. Mr. Holder.

**STATEMENT OF MR. ARTHUR E. HOLDER, OF THE AMERICAN  
FEDERATION OF LABOR.**

Mr. HOLDER. Mr. Chairman and gentlemen of the committee, my name is Arthur E. Holder, of the legislative committee of the American Federation of Labor. I thank you for extending to me an opportunity to say a word concerning this bill. The general principles of H. R. 19783 are indorsed by Mr. Gompers and the American Federation of Labor. We believe that the bill, as it is before you, may not be as perfect as either the commission or the Department of Justice, or as you or others would care to have it; but it is an emergency proposition, and, therefore, it may contain experimental propositions. Nevertheless, we feel that the Department of Justice should be enabled to put the propositions that they have included in this bill in effect as early as possible. We all realize the fact that in the matter of prison control and in dealing with convicts we have to face a great many prejudices and traditions. The subject has not always been dealt with in the past by big-hearted, sympathetic men. Prisons have been run for profit—and not always for the State; frequently only for individuals. That, of course, applies to State prisons; it does not apply to Federal prisons. Our organizations have taken a position for a great many years that convicts should be employed, and that they should be employed with the primary idea of reformation, so as to equip the convict, after he has served his time, so that he will be able to make a living from his endeavors when he leaves the prison, if he has not an occupation before he goes in.

Mr. CARAWAY. If he becomes a skilled laborer in the penitentiary will any of your unions take him into your membership?

Mr. HOLDER. A great many of our unions have done that already. Judge Caraway.

Mr. CARAWAY. They will do it, then?

Mr. HOLDER. There will be a gentleman who will speak to you after I get through who has had some personal experiences and who, I think, will be able to convince you of the facts and figures showing where our unions have worked with the Prisoners' Aid Society in the location of prisoners in industrial pursuits for their maintenance after they have left the prisons.

Mr. CARAWAY. If he became a skilled workman and then could not get into the union, he would be likely to be deprived of an opportunity to follow his trade?

Mr. HOLDER. Yes; but we do not place an impediment in the path of any man who is struggling to conduct himself along proper lines.

Mr. CARLIN. Mr. Holder, do you think it will benefit a man who is a good painter, for instance, or a good blacksmith, when he becomes a convict, to make a furniture maker out of him?

Mr. HOLDER. No, sir; not necessarily; but that was a point I was coming to, if you will permit me to answer your question by making my own statement.

Mr. CARLIN. Yes.

Mr. HOLDER. We have advocated for years a diversification of employment in prisons, and we believe that with the Federal prisons a model establishment could be made, or could be initiated, so that

State prisons could follow the experiences that may be gathered in the Federal prisons; and if a man, for instance, as Judge Carlin says, is a skilled painter, there is always opportunity in the prison for a skilled painter, and he should be allowed to exercise his talent. If a man is a skilled cabinetmaker, you ought to have a cabinet shop.

Mr. NELSON. You are opposed, or rather your organization is opposed, to anything being done that is competitive with free labor, is it not?

Mr. HOLDER. Yes, sir; anything that is competitive in the sale of the products that will injure either the fair employer, the honest investor—injure his interests—and at the same time injure the interests of the fair and honest employee. You see there are two interests to be served.

Mr. IGOE. That is what I am interested in finding out—how far the Federation of Labor has gone in this matter in its investigations, and what conclusions the committee having it in charge has arrived at; first, as to the kinds of enterprises or businesses that might be engaged in inside of these penitentiaries, and then as to the distribution of the product. This bill provides that the Government's needs shall be supplied in these two lines of industry. Is there any report of a committee of the American Federation of Labor that is available showing what different enterprises you would say these prisoners should be engaged in and as to what distribution should be made of the product, and how?

Mr. HOLDER. I think at this point, Mr. Igoe, that I could not do better than to incorporate in these hearings now, if you will permit me, my statement before the Senate Committee on Education and Labor last year with respect to the Booher-Hughes bill, which, I think, will answer the inquiries that you have just made.

Mr. IGOE. As long as we can get a copy of the report of those hearings it would hardly be necessary to incorporate it in this record.

Mr. HOLDER. It is available as part No. 2 of the hearings on the Booher-Hughes bill before the Senate Committee on Education and Labor last year.

Mr. WALSH. Has your organization taken any steps to consider this particular bill?

Mr. HOLDER. I can not answer your question positively, but we are in sympathy with the general principles involved in this bill.

Mr. WALSH. You have considered them?

Mr. HOLDER. Yes.

Mr. WALSH. Has this particular bill been brought to the attention of Mr. Gompers?

Mr. HOLDER. Yes.

Mr. WALSH. And you are expressing his views upon this particular measure?

Mr. HOLDER. Yes, sir; positively, without any hesitancy.

Mr. CARLIN. I would like to know if you can show me a statute that prohibits the Government from using the convicts now as it is proposed to do in this bill.

Mr. HOLDER. I do not know that there is any such statute.

Mr. GARD. There is none, but they have not any money.

Mr. HOLDER. This calls for the appropriation of money for the equipment necessary.

Mr. CARLIN. Yes; but they are constantly constructing buildings. They are doing that now.

Mr. IGOE. That has been authorized by law, I think.

Mr. CARLIN. Outside of the question of money it seems to me that there is ample authority already to utilize these prisoners for this other purpose, if we want to do it.

Mr. MCGLOSSON. But there is no authority to dispose of the product.

Mr. CARLIN. It will not be disposed of at all, if you turn it over to the Government. If you send chairs and desks and tables to the Federal courts of the country and other Federal institutions, or to the Treasury Department, or even if you make mail bags for the Postal Service, there is no statute that I know of that would prohibit that.

Mr. DANFORTH. But they have got to have the necessary machinery to enable the men to do that. They have not the machinery or tools.

Mr. CARLIN. Then this bill should be to appropriate money for certain appliances.

Mr. MCGLOSSON. There are laws now that prohibit the post office from buying convict-made mail bags or material of any kind, and I think that is true in all the departments.

Mr. CARLIN. I would like to have pointed out to me any statute that prohibits doing everything that is asked for under this bill.

Mr. NELSON. Mr. Holder, may I pursue my question a little further before you go?

Mr. HOLDER. Yes.

Mr. NELSON. It strikes me that the Government could not absorb all the furniture and all the textiles and all the mail bags that these two factories could turn out, with the hundreds of men that would be employed. What are they going to do with the surplus product? Will not that come into competition with you gentlemen?

Mr. HOLDER. Of course, we expect that the management of the prison institutions will exercise reasonable discretion in the matter of distributing the various kinds of labor to various industries; in other words, that they would not attempt to monopolize and particular trade; that they would not attempt to swamp the departments with any one particular article. There are many avocations out of doors that Federal prisoners could still be employed at; and we would prefer that they be given the largest possible share of out-of-door employment; but for the seasons when they could not work out of doors, and for those who could not work out of doors at all, there is no reason, to our minds, why the Federal Government and Congress should not provide indoor employment for the men during the bad seasons, and for those who are not physically able to stand the stress of the elements. There is no end to the possibilities of a proposition of this kind, and you do not need to confine yourselves within any narrow limitations. Let "reform" be the watchword, gentlemen, and let the men be so equipped by honest toil and labor that when they come out, they will be able to stand upon their own feet and be good citizens.

Mr. NELSON. But that is very general, Mr. Holder. Do you mean to say that the American Federation of Labor would not object if

there were a surplus production of articles that might come in competition with free labor?

Mr. HOLDER. Oh, yes; we would object very strenuously and very swiftly, in case the product of a Federal prison should be put upon the open market, in competition with the product of a free employer and of free workmen. We have vigorously protested against the State prisons doing that; but we do not contemplate that this bill would have such far-reaching consequences.

Mr. DANFORTH. Does not this bill contemplate that?

Mr. HOLDER. No, sir.

Mr. DANFORTH. If you sell to the Government—to all its branches all over the country—the furniture that would be manufactured under this bill, are you not interfering with outside labor and outside capital?

Mr. HOLDER. You can not conduct anything without some interference, but you have got to travel along the lines of least resistance; and this bill follows, Judge Danforth, exactly what your great State has done for so many years, and was the first one to do, in the practice of the State-use system.

Mr. DANFORTH. Do you know how that works out in that great State?

Mr. HOLDER. I have heard that there have been some complaints, but that is not condemnation of the system; simply that it is not worked properly.

Mr. CARLIN. How does it work out, Mr. Danforth?

Mr. DANFORTH. I was coming to that later. Have you had any experience with the operation of that system in the State of New York?

Mr. HOLDER. No; I have not.

Mr. DANFORTH. It did not work satisfactorily; at least, during the time I was interested in it.

Mr. WALSH. This bill provides payment to the inmates of penitentiaries for their labor. If the surplus products were put upon the market in competition with free labor would your organization insist that the inmates should be paid the union scale of wage?

Mr. HOLDER. No; we would not go quite that far. We do not believe that that would be practicable or possible.

Mr. WALSH. If it were possible, would that remove your objection to the sale of that part of the product which might be surplus?

Mr. HOLDER. That would modify our opposition to same extent; but even then the principle would be wrong. What we want in this particular—

Mr. WALSH. Section 4 is the one, Mr. Holder.

Mr. HOLDER. Yes; where the Attorney General is authorized and empowered to provide for the payment to the inmates of said penitentiaries such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. That is making it rather arbitrary. I think you ought to make that a little less indefinite, or at least to put in a minimum sum that he will pay the convicts, even though it be only 25 cents or 50 cents a day.

Mr. VOLSTEAD. It is my opinion that in many instances it should be paid to the convict's dependents rather than to the convict himself.

Mr. HOLDER. Preferably.

Mr. VOLSTEAD. That is the system that we have in our State.

Mr. HOLDER. That is what we want, so that the convict's family shall not suffer for the error or mistake of the prisoner himself. I wish I could remain longer, gentlemen.

Mr. STEELE. Is not the question of competition answered by the language of the first section of this bill—that the products shall be limited to the use of the Government of the United States?

Mr. HOLDER. We think we are within reason in that.

Mr. STEELE. It is confined to the Government?

Mr. HOLDER. Yes; so that it could not go out into the open market; and you have the same system in Pennsylvania.

The CHAIRMAN. We are much obliged to you, Mr. Holder. Now, Mr. Duehay, you may proceed.

#### STATEMENT OF MR. F. H. DUEHAY—Continued.

Mr. IGOE. Mr. Duehay, how many prisoners did you say you expect to use?

Mr. DUEHAY. We expect to use about 300 in each one of these factories. These factories are not large enough to glut the market with anything.

Mr. GARD. You will not glut any market.

Mr. DUEHAY. No.

The CHAIRMAN. You have provided \$129,500 for shop buildings and their appurtenances. Does that mean the factory or the building in which the machinery is to be placed?

Mr. DUEHAY. Yes, sir.

The CHAIRMAN. And you purpose to build that with prison labor, do you not?

Mr. DUEHAY. Yes.

The CHAIRMAN. Will it cost \$129,500 to build that house to hold the machinery?

Mr. DUEHAY. We think so; yes, sir.

The CHAIRMAN. How many looms do you suppose you could buy for \$315,500 if you were going to use looms only, and weave, and not spin?

Mr. MCGLOSSON. That information was all contained in the original report of the commission, which, however, was not reproduced in full in this document.

The CHAIRMAN. No; we have only had a very limited report.

Mr. DUEHAY. I have one extra copy, Mr. Chairman [exhibiting book].

Mr. MCGLOSSON. The Public Printer left out the drawings for the buildings and the list of the machinery required.

The CHAIRMAN. What is to be the size of this building at Atlanta? What are the dimensions? It is to be built of brick, I suppose?

Mr. DUEHAY. To be built of brick, yes; with a wooden floor; a one-story building.

The CHAIRMAN. I do not know, but it seems to me that it would have to be a very large building to cost \$129,000 plus the free labor of the prisoners, because you can build a very large mill in my part of the country—a very, very large one for a hundred thousand dollars.

Mr. MCGLOSSON. There will be 292 looms.

Mr. GARD. Being in sympathy with the proposition for employment, what I would like to have for my own information is a comparative statement, if your committee can make it up from the the information you have, as to the merits of this employment plan, and as to the merits of an extension of the employment of convicts in agriculture and allied industries.

Mr. DUEHAY. We can only answer that question in this way. At Leavenworth we will have about 2,000 men. We will only put about 300 of them in this mill. We will employ about 500 of them on the farm, if we can get a large enough farm. If we should employ them all on the farm, what would we do with the products? We estimate that about 500 of them will supply all of our needs, and we can not sell anything in the market.

Mr. CARLIN. Do you raise enough stuff now to feed your convicts?

Mr. DUEHAY. No, sir; we do not.

Mr. CARLIN. Then there is a margin of opportunity for the extension of agricultural pursuits there?

Mr. DUEHAY. Yes, sir.

Mr. GARD. It strikes me that you should at least grow enough stuff on your farms to maintain your institutions.

Mr. DUEHAY. But we have not the farms on which to grow it.

Mr. GARD. Then get them.

Mr. DUEHAY. I have asked, or, rather, the Attorney General has asked in his report, for a large farm.

Mr. DANFORTH. How many acres have you at Atlanta?

Mr. DUEHAY. Two hundred and eighty-five.

Mr. DANFORTH. How many at Leavenworth?

Mr. DUEHAY. Seven hundred; but only 300 acres are susceptible of cultivation.

Mr. WALSH. What is the matter with the rest of it?

Mr. DUEHAY. Well, the buildings are on some of it, and some of it is hillside land, with rocks on it.

Mr. WALSH. But it could be cleared up?

Mr. DUEHAY. Yes; and we are clearing it up as much as we can, and we are putting goats on there, and other things to help out.

Mr. DANFORTH. Have you anywhere amongst your figures a statement of the sizes of the contemplated buildings at Atlanta and Leavenworth?

Mr. McGLASSON. No, sir; that does not appear in the printed document.

Mr. DANFORTH. Does it appear anywhere in your data?

Mr. McGLASSON. No, sir.

Mr. CARLIN. Do you not think that these prisoners could be better employed in producing the foodstuffs that they consume, and then after they have demonstrated that they can do that in sufficient quantities, if there is any margin of labor left, other disposition could be made of it at that time? You are now buying foodstuffs to feed these people. You own 700 acres in one place and about 300 in the other. Now, if that were turned into truck gardening there is an abundance of land there out of which you ought to be able to raise enough stuff to feed three or four times as many people as you have in those prisons.

Mr. DUEHAY. I wish it were so, but it is not. In the first place, we have a civil-service farmer at Atlanta. Every trip I make there I

go over the farm with him; but it is pretty hard to get a man for \$1,200 a year who knows how to do intensive farming. If he knew how, he would not be working for us at \$1,200 a year.

Mr. CARLIN. But that is not a very serious obstacle. We could take that gentleman out from under the civil service—the President has the power to do that—and if he is not getting sufficient compensation we can employ a man at a higher figure who does know how to run a farm. Why not ask for sufficient compensation for such a man?

Mr. DUEHAY. Take our dairy herd, for instance; we have got to have a larger farm for them. We can not truck the whole thing and at the same time take care of our cows—provide pasturage for them.

Mr. CARLIN. Do you produce enough milk now to supply your prisoners?

Mr. DUEHAY. We do not. I think it would require about a 2,000-acre farm to do that.

Mr. DANFORTH. For 1,500 people?

Mr. DUEHAY. Yes, sir.

Mr. MCGLOSSON. Two thousand people.

Mr. DANFORTH. To supply all the milk?

Mr. MCGLOSSON. Yes; and all the vegetables.

Mr. CARLIN. Have you ever visited Occoquan, Va.?

Mr. DUEHAY. Yes, sir.

Mr. CARLIN. Are they not raising enough stuff there to take care of their prisoners' needs?

Mr. DUEHAY. How many prisoners have they at Occoquan—about 500?

Mr. CARLIN. No; I think they have about seven or eight hundred.

Mr. DUEHAY. I think they had about 500 last summer.

Mr. CARLIN. With their reformatory they expect to have about four times that many.

Mr. DUEHAY. They have 2,500 acres, and we have 300 for 1,200 men.

Mr. CARLIN. Do you not think it would be a better thing for the Government if you did have sufficient land?

Mr. DUEHAY. Oh, yes, sir.

Mr. CARLIN. To employ these men upon it and to produce enough foodstuffs for them rather than to pass this bill?

Mr. DUEHAY. But we can not employ all of them in the production of foodstuffs; there is not that much required.

Mr. CARLIN. And then simply provide for the margin of labor that is left after taking care of the production of sufficient foodstuffs for the prisoners?

Mr. DUEHAY. No, Mr. Carlin. We have got to diversify the industries there; we have got to employ the men at different kinds of things.

Mr. CARLIN. What is the use of doing just a little bit of farming, and producing a little bit of foodstuffs, and also doing a little bit of construction work, and producing a few buildings, and then doing a little furniture manufacturing and producing a small quantity of furniture?



Mr. GARD. I suspect that at Leavenworth, on account of the climate, they would have to have some indoor employment for the men during the winter season?

Mr. DUEHAY. Yes.

Mr. CARLIN. Yes; that should be provided for in some way, but it seems to me that these men should first be made self-supporting and self-sustaining in the institution.

Mr. IGOE. About this commission that was appointed, I want to ask, first, whether they made an investigation of the different kinds of employment or industries that might be established at these different institutions?

Mr. DUEHAY. I would like to tell you about that.

Mr. IGOE. I want to find out just what that commission did. In the first place, the commission was composed of whom?

Mr. DUEHAY. Of the Chief of Ordnance of the War Department, the Chief of Ordnance of the Navy Department, the purchasing agent of the Post Office Department, and the superintendent of Federal prisons.

The CHAIRMAN. Who are those gentlemen? What are their names?

Mr. DUEHAY. Gen. Crozier is Chief of Ordnance of the War Department, Admiral Strauss is Chief of Ordnance of the Navy Department, and Mr. J. A. Edgerton purchasing agent of the Post Office Department. But way back in 1915 the superintendent of prisons' office took up actively the investigation of these industries. We had finished the buildings in pretty fair time from the time we had hold of them, and the assistant superintendent of prisons spent almost the entire time from the 1st of October, 1915, until March, 1916, getting data relating to these industries. I was consulting with him all the time. We did extra work in our office in order to keep up the work of the office while we were making these investigations.

Mr. IGOE. Who is the assistant superintendent of prisons?

Mr. DUEHAY. Mr. McGlasson here.

Mr. IGOE. He is your assistant?

Mr. DUEHAY. Yes; my assistant. Then, when this commission was appointed we gave them all the data we had, and they went over the subject of manufacturing different things. They did not go into the question of farms, because, as we understood, the duties of the commission did not provide for that, and we did not think we had the power to go into that.

Mr. GARD. Why?

Mr. DUEHAY. But in supplementing that I asked the Attorney General to include that in his annual report.

Mr. GARD. You say you did not have the power to investigate the question of farming?

Mr. DUEHAY. No, sir.

Mr. IGOE. The authority is contained in a special provision of the bill.

Mr. CARLIN. Do you not think it is the better principle of prison management to first make the prisoner self-sustaining?

Mr. DUEHAY. Yes, sir.

Mr. CARLIN. Rather than to start in teaching him to make various kinds of furniture, etc.?

Mr. DUEHAY. But what is the use of having a farm with 500 men employed on it and letting the other 1,200 men remain idle?

Mr. CARLIN. But you are not working your farm now sufficiently to feed your prisoners.

Mr. DUEHAY. We have not got the farm to work.

Mr. CARLIN. These twelve hundred men have got to be fed and clothed, and they have got to have shoes, and they have got to have beds and cots to sleep on, and they have got to have buildings to sleep in.

Mr. DUEHAY. We are doing all that now.

Mr. VOLSTEAD. Is it not true that you could not employ all of these men steadily on the farms, because you have the seasons to contend with?

Mr. DUEHAY. Yes.

Mr. VOLSTEAD. You can employ them on the farms for a good share of the year, but there will be times when you could not employ all of them on the farm?

Mr. CARLIN. That is true.

Mr. VOLSTEAD. And they have got to resort to something of this kind.

Mr. CARLIN. But they have not reached the maximum in their farming yet. They have not yet gotten to the point where they are producing sufficient to take care of the needs of their prisoners.

Mr. VOLSTEAD. No.

Mr. CARLIN. They are buying foodstuffs, and the Government is paying for it?

Mr. VOLSTEAD. Yes; but I do not see any reason why we should be any more squeamish about people living in the villages than those on the farms. You have got to put them in competition somehow.

Mr. IGEE. This report says there will be 2,500 men available for various industries.

Mr. DUEHAY. When everything is completed.

Mr. IGEE. And it says that shortly there will be 700 idle men at Atlanta, and a thousand at Leavenworth.

Mr. DUEHAY. Yes.

Mr. IGEE. And, as I understand, this makes provision for about 300 at each institution.

Mr. DUEHAY. That is right.

Mr. IGEE. So we are only taking care of about one-half at Atlanta and one-third at Leavenworth?

Mr. DUEHAY. With this manufacturing project; yes.

Mr. IGEE. What are your plans for the rest of them?

Mr. DUEHAY. We hope to get a larger farm, so that we can work them on the farm.

Mr. IGEE. Is this just a part of the plan that you purpose to put into effect? Why do you not include the whole proposition or general scheme, so that we may know where we are coming out on this?

Mr. MCGLOSSON. To establish industries capable of employing all the prisoners would involve the expenditure of a great deal of money. We thought it better to start on a small scale and let the industries grow.

Mr. CARLIN. You mean to get a million dollars this year and two or three million dollars next year?

Mr. MCGLOSSON. I think if we demonstrate that we can make money on a million dollars that Congress would give us money to enlarge the industries. The risk would not be so great. That is what the commission says in this report.

Mr. GARD. We buy a lot of experience.

Mr. DUEHAY. And you have got to buy it as cheaply as you can.

Mr. DANFORTH. In regard to this manufacturing plant that you are advocating for these two establishments, have you investigated the working possibilities of such factories in other institutions of a like nature? It has been tried over and over again in a great many States, and there must be a number of examples of concrete success or failure of just such ventures. Have you gone into that at all?

Mr. DUEHAY. You can make it a success—

Mr. DANFORTH (interposing). No. I asked you if you had investigated it?

Mr. DUEHAY. Yes; we have. In Stillwater they make it a success.

Mr. DANFORTH. Where is Stillwater?

Mr. GARD. Michigan.

Mr. NELSON. There they are manufacturing binder twine and selling it in the open market; and we do that in Wisconsin, too.

Mr. DANFORTH. Have you investigated the Elmira (N. Y.) Reformatory, for instance?

Mr. MCGLOSSON. We have obtained information about it; yes.

Mr. DANFORTH. What information did they give you in regard to the operation of their furniture factory?

Mr. MCGLOSSON. I would like to read that. Here is a letter from the governor's representative in charge of the office of superintendent of prisons. He was in charge of that office at a time when there was no superintendent, I believe—some changes have taken place up there—and this letter is dated March 13, 1916. He says:

Complying with yours of the 8th instant, I am sending you by this mail a copy of the Prison Catalogue and Price List, covering the items which are manufactured in the three State prisons of this State.

We started to manufacture the several items listed in this catalogue in 1897. The production in all the lines so advertised, represents approximately a million dollars a year. The prices made on these supplies are fixed by the board of classification which represents the four departments which are the largest purchasers, and prices are fixed as near the market price as possible. This board also establishes a standard for our manufacture with a view of meeting the demands of purchasers by a classification of the buildings, etc.

We have had no trouble whatsoever in the manufacture of hosiery and underwear or cotton goods by the employment of men in the mills.

Our furniture compares favorably with outside manufacturers. From the cuts in the catalogue you will note that we undertake only the manufacture of plain serviceable furniture which has been classified as suitable for the requirements of State use.

If you put in modern, up-to-date equipment for the manufacture of furniture and also modern machines for the manufacture of underwear, cotton goods, hosiery, etc., I have no doubt, with competent civilian foremen and instructors, you would have no trouble in the manufacture of standardized materials suitable for Government use.

Mr. DANFORTH. That is a résumé of the work of the different State institutions?

Mr. MCGLOSSON. Yes.

Mr. DANFORTH. That is not confined to Elmira?

Mr. MCGLOSSON. No; not particularly to Elmira.

Mr. IGOE. Mr. McGlasson, when you made this investigation, which I understand from Mr. Duehay you did, did you summarize the results of your investigation?

Mr. MCGLOSSON. Yes; I summarized them in a report to the Attorney General, which was submitted to Congress and was made the basis of bills introduced in both the Senate and the House.

Mr. IGOE. Has that report been printed?

Mr. MCGLOSSON. The report was not printed; no, sir.

Mr. IGOE. You say it was sent to Congress?

Mr. MCGLOSSON. It was sent to certain Members of Congress, with the request that they give it their attention and introduce bills.

Mr. IGOE. When was that done?

Mr. MCGLOSSON. In the spring of 1916.

Mr. IGOE. It has not been printed, as far as you know?

Mr. MCGLOSSON. No, sir.

Mr. IGOE. Have you a copy of that in your office?

Mr. MCGLOSSON. I have it here.

Mr. IGOE. How many pages does it cover?

Mr. MCGLOSSON. Possibly the report covers 50 or 75 typewritten pages.

Mr. IGOE. Does it contain recommendations of those in charge of State institutions, or is it all your own views upon it?

Mr. MCGLOSSON. No; not my own views.

Mr. IGOE. You see, we have not anything before this committee except this bill. We have not even the report of this commission.

Mr. CARLIN. What is the reason for the difference in the cost of maintenance of your prisoners in Federal prisons and those at Occoquan? I understand that it takes there \$9 a month per man, average cost, and your figures are \$20 a month per man. What is the reason for that difference, or is it not because those people at Occoquan are more or less self-sustaining, while the Federal prisoners are not?

Mr. DUEHAY. Probably that may account for it to some extent, and we, of course, have a great many more men in proportion to the acreage. Have you ever visited Atlanta?

Mr. CARLIN. No; I have not been there.

The CHAIRMAN. How much does the Federal Government have to pay for maintaining the Federal prison at Atlanta, do you remember?

Mr. MCGLOSSON. It cost \$240,000 last year.

The CHAIRMAN. \$240,000?

Mr. MCGLOSSON. Yes; that was the cost of maintaining the Atlanta Penitentiary, outside of the cost of construction work. The construction appropriation runs \$75,000 a year.

Mr. GARD. One thing that I would really like to know, just for my own information, is how you arrived at the conclusion to establish a furniture factory at Leavenworth and a textile factory at Atlanta? What was the source of the information upon which you based that determination? Why did you pick out those points?

Mr. DUEHAY. You will find that covered in the report, at your right hand there.

Mr. GARD. Just tell us now. We have not had the report, you know.

**Mr. McGLASSON.** Atlanta is located in the recognized center of the cotton industry, and cotton is the article used in manufacturing canvas, which is the only thing we propose to make at Atlanta, and it seems to me that Atlanta is well adapted for the location of such an industry.

**The CHAIRMAN.** You could not put both a furniture factory and a cotton textile plant at Atlanta?

**Mr. CARAWAY.** It costs less to transport cotton than it does timber.

**Mr. McGLASSON.** Furthermore, we can get a lot of cotton workers in the South.

**Mr. DUEHAY.** Here is a letter from William N. Randle, director of the textile department of the Georgia School of Technology, addressed to Mr. Fred G. Zerbst, warden of the United States Penitentiary, Atlanta, Ga. This is his opinion of this project, in connection with our investigation. The letter is dated March 15, 1916, and reads as follows:

MY DEAR SIR: I am asked to give you my opinion as to whether it is practicable for the United States Penitentiary at Atlanta to utilize its adult male labor in the manufacture of any, or all, the following quantities of textile products per annum: (1) 2,500,000 yards cotton canvas, (2) 250,000 yards cheesecloth, (3) 300,000 yards nainsook, (4) 300,000 yards blue denim, (5) 100,000 yards sheeting, (6) 25,000 yards cotton cloth, (7) 1,500,000 pounds cotton waste, (8) 800,000 pairs cotton socks, (9) 525,000 pairs light cotton undershirts, (10) 17,000 pairs heavy cotton undershirts, (11) 27,000 pairs heavy underdrawers, (12) 53,000 pairs women's and children's union suits, (13) 37,000 pairs men's and boys' undershirts, (14) 38,000 pairs men's and boys' underdrawers.

Economical textile manufacture demands large production of similar products. The above list covers a very wide range of quite dissimilar products and comparatively small quantities of some items. Items (1) to (6), inclusive, are woven products. Item (7) is a by-product incidental to spinning and weaving. Items (8) to (14) are products of the knitting industry.

In the woven products we find fabrics of very great variation as to width, weight, texture, and counts (size) of yarn required. The knit goods are equally as varied. No one type of loom could weave all items (1) to (6) successfully, nor would it be possible to produce items (8) to (14) on any one type or kind of knitting machine.

It becomes evident that it would be impracticable to attempt the manufacture of all the above items in any one plant anywhere. To do so would demand a great variety of equipment not justified by the comparatively small quantity of some of the required items.

It is also evident that it would be best to limit the manufacture at the Atlanta plant to the items required in greatest quantity and best suited to the labor of your institution.

I am informed this labor is all male, averaging around 30 years of age, with an average term of about three and one-half years, and is inexperienced in textile work.

Such labor could, of course, be trained to successfully manufacture any of the items listed, but is, or could be, best adapted to weaving, less suited to spinning, and poorly suited to knitting.

These considerations lead me to believe that it would be advisable, especially in the outset, for you to limit your textile manufacture to item (1), cotton canvas, purchasing the required cotton yarns from near-by spinning mills. Another consideration, strengthening this recommendation, is my belief that this item, as listed, includes only a portion of the canvas used by the United States Government for its mail bags. If this be true, and it is desirable to furnish employment to more operatives than would be required to produce item (1), as listed, it would be more economical to have the Atlanta plant manufacture a larger portion of the canvas used for mail bags, rather than to extend the manufacture to such dissimilar fabrics as nainsook, cheesecloth, etc.

I notice the list of products suggested does not include cotton duck, which, I am informed, is largely used by the Army and Navy and which could be

manufactured more economically in connection with item (1), cotton canvas, than any of the remaining items (2) to (14), with the exception of item (7), a quantity of which would be produced incidental to any manufacturing process but not in the amount listed.

In brief, I am recommending that you confine your manufacture to weaving cotton canvas and duck, converting these into finished mail bags, tents, tarpaulins, sails, wagon covers, etc., rather than a small quantity of these heavy fabrics in conjunction with a variety of lighter and finer products.

Trusting this brief discussion and suggestions may be of interest, and with kindest personal regards, I am,

Yours, very truly,

WM. N. RANDLE,  
*Director Textile Department.*

Mr. CARLIN. What effect has prohibition had upon the number of prisoners? Are you having fewer prisoners or more?

Mr. DUEHAY. I think it is well agreed that prohibition lessens the number of prisoners.

Mr. CARLIN. If we have national prohibition—it looks as if we may have—then you will not be able to figure on this large number of men to work in the factories?

Mr. MCGLOSSON. You will always find that all these things that tend to decrease the number of prisoners are only effective temporarily. After a year or two the growth begins again.

The CHAIRMAN. Can you furnish the committee some facts as to the size of this building, which is to cost \$129,000?

Mr. MCGLOSSON. Yes, sir; we can furnish you the plans.

The CHAIRMAN. I wish you would, because I can not understand if you are going to build it with free labor and make your own brick—

Mr. MCGLOSSON (interposing). We do not make brick at Atlanta. We do at Leavenworth.

Mr. GARD. Why do you not make your own brick at Atlanta?

Mr. MCGLOSSON. We tried it, but found that there was no brick clay around the Atlanta reservation. We figured on making the brick at Leavenworth, and shipping it to Atlanta, but we found that would not pay; that the freight charges would eat up the value of the brick.

Mr. IGOE. I notice that the Attorney General in his report recommends additional land at Atlanta for a farm.

Mr. DUEHAY. Yes.

Mr. IGOE. Has any bill been introduced for that, Mr. Duehay?

Mr. DUEHAY. I think not, sir.

Mr. IGOE. No steps have been taken in that direction?

Mr. DUEHAY. None other than the recommendation.

Mr. IGOE. That is in line with what Mr. Carlin suggests. I notice he goes into that very fully in the report, and says there should be a large tract of land—not necessarily adjoining the penitentiary.

Mr. DUEHAY. Yes. It should be large enough so that we could supply the institution with all the dairy products. We would get some by-products of meat from our dairy herd, and we could then supply them with all the vegetables and other food for the tables; but it will take quite a large farm to maintain a large enough dairy herd.

Mr. IGOE. It seems to me, offhand—while I am not an expert in this line—that the first thing to do is to get a farm, and start to

feeding these people down there as the result of their own efforts, rather than to start a factory where, as you say, you can only employ at first about 300 of them.

Mr. DUEHAY. The average prisoner to-day is not in the prison very long, and it is desirable, as soon as a man comes into prison, to teach him some sort of trade, so that he can make a living for himself when he gets out.

Mr. CARAWAY. Is it not usually the case that he had some occupation or calling before he got into prison?

Mr. DUEHAY. We have a great many young men who come in with no occupation or calling; in fact, they are afraid of work.

Mr. IGOE. The average sentence will be about 10 months, as I understand. I do not see how you can teach a man much of a trade in 10 months.

Mr. MCGLOSSON. You can teach them to run a loom in two or three weeks.

Mr. CARLIN. Why do you not try them on making munitions? The Government has gone into that.

Mr. MCGLOSSON. That is touched on in this report.

Mr. DUEHAY. Canvas might be considered as a munition, to supply the Army and Navy. We could not make shells.

Mr. CARLIN. You could not?

Mr. DUEHAY. No; because we could not get the skilled labor.

The CHAIRMAN. And it would take two or three million dollars to establish a plant?

Mr. DUEHAY. Yes; and we could not get men to train them.

Mr. CARLIN. The Government is going into the business now—erecting plants and educating the labor.

Mr. DUEHAY. We went into that, Mr. Carlin. We also went into making hosiery, but it was decided it would be unwise to do that; that the soldiers might object to wearing prison-made goods, and that they might not care to wear shoes made in prison. We certainly think it would be very unwise to try to make shells.

Mr. IGOE. I would like to ask permission, Mr. Chairman, to have incorporated in these hearings the report which Mr. McGlasson speaks of, and which was used largely by this commission in making these recommendations, if it has not been printed in any other form.

The CHAIRMAN. It has been printed, has it not?

Mr. MCGLOSSON. Not my report to the Attorney General last year. The report itself is only about 75 typewritten pages, but the exhibits constitute quite a stack of material.

Mr. IGOE. I do not care anything about the exhibits.

Mr. MCGLOSSON. Most of the meat is in the exhibits.

Mr. IGOE. It seems that that report ought to be available to this committee in some form.

The CHAIRMAN. I suggest that you bring it down here and let the exhibits remain with the clerk of the committee, and then the members who want to see it can have access to it. It would be quite an undertaking to incorporate the exhibits in this record.

Mr. IGOE. I do not want the exhibits. I want the report.

Mr. MCGLOSSON. My report contemplated more than what this report has recommended. It contemplated the manufacture of socks and knitted wear.

Mr. DANFORTH. How long would your report be on these two points—the textile mill and the furniture factory covered by this bill?

Mr. MCGLOSSON. It is all mixed up in the report.

Mr. DANFORTH. It could be picked out.

Mr. MCGLOSSON. Oh, yes.

Mr. DANFORTH. How big would that part be?

Mr. MCGLOSSON. The amount of cotton duck I estimated on has been increased four or five times by the commission, by bringing in other departments.

Mr. NELSON. Was there any general scheme considered by the commission to employ all of the prisoners, and not only 300 or so?

Mr. MCGLOSSON. No; the commission thought it would be wiser to start on a small scale and then build them up.

Mr. NELSON. But you can not build them up. For instance, you start a furniture factory, and you soon exhaust the demand for your goods, and then you will be idle, because you can not go into the general field in competition with free labor.

Mr. MCGLOSSON. The Government uses about a million dollars' worth of office furniture and equipment a year, and we would so distribute our manufacture over the year as to keep the men busy all the time.

Mr. NELSON. But that would be only three or four hundred men?

Mr. MCGLOSSON. Yes.

Mr. NELSON. Then, you would have 1,600 without employment?

Mr. MCGLOSSON. Not altogether without employment. Some of them would be engaged in prison duties and some in farming, but we would soon have to provide employment for the others; yes.

Mr. NELSON. Personally, I am very sympathetic with the purposes of the bill, but it seems to me that just a fraction of the men are taken care of, and that it is sort of a haphazard way of getting at the proper solution of the problem. I would like to see worked out a general plan which would contemplate giving all of them employment—something that could be worked out systematically.

Mr. DUEHAY. Do you not believe it would be better to put up a plant of this size, and demonstrate practically what we can do, and then be in position to benefit by our mistakes when we come to enlarge it?

Mr. NELSON. Possibly.

Mr. DUEHAY. That is the reason we did not make it larger than this. We want to try this size plant. We have had testimony from experienced people, and this is the result of their best judgment.

Mr. DANFORTH. Tell us about this \$1,200 a year civil-service farmer. Does he get his maintenance in addition to his salary?

Mr. DUEHAY. Yes.

Mr. DANFORTH. Food and lodging?

Mr. DUEHAY. Yes.

Mr. DANFORTH. And a Ford car to go about in?

Mr. DUEHAY. No; no car.

Mr. DANFORTH. He has some means of conveyance furnished him?

Mr. DUEHAY. None that I know of.

Mr. DANFORTH. No wagon?

Mr. DUEHAY. None that I know of.



Mr. McGLASSON. He may use one of the penitentiary horses in going about over the farm, or something like that.

Mr. DANFORTH. If he clears \$1,200 a year, over and above all his expenses, that is a pretty good job, I should think. You ought to be able to get a pretty good man under those conditions for that money.

Mr. WALSH. Mr. Duehay, suppose no provision is made—and as I understand you gentlemen consider this to be an emergency that is going to confront you?

Mr. DUEHAY. Yes.

Mr. WALSH. Suppose no provision is made to carry out this plan. Have you taken that into account?

Mr. DUEHAY. Yes.

Mr. WALSH. What are you going to do with the men?

Mr. DUEHAY. We are going to do as much grading on the outside as possible. Down at Atlanta we are going to grade a hill down that is not necessary to grade at all. We are going to employ them on that class of work in that event.

Mr. WALSH. If, instead of authorizing the construction of buildings and the installation of machinery to provide a manufactory for textiles and mail sacks and a furniture factory, you were authorized to buy additional wild land, so that it might be turned into farm land, could you not keep those men employed in clearing that land off?

Mr. DUEHAY. Not all of them.

Mr. WALSH. I mean the surplus men that you do not need for maintenance?

Mr. DUEHAY. I do not believe we could keep the surplus employed; no, sir.

Mr. WALSH. If you had 2,000 acres of land somewhere you could put quite a bunch of men on it, could you not?

Mr. DUEHAY. We could.

Mr. WALSH. And you could keep them out in the open pretty much all the time?

Mr. DUEHAY. You understand there is always a large proportion of the men that we can not keep outside of the walls.

Mr. WALSH. Oh, yes.

Mr. DUEHAY. Those are the men we could keep in the shops.

Mr. WALSH. And those are the kind of men also that you could provide to do the maintenance work about the buildings, too?

Mr. DUEHAY. Yes.

Mr. WALSH. In making your investigation did either you or your assistant make any investigation of the Bridgewater State farm, in Massachusetts?

Mr. DUEHAY. No, sir; I did not.

Mr. WALSH. And you are not familiar with how that institution was built up and the land cleared off and made available for agriculture?

Mr. DUEHAY. No, sir; I am not familiar with that.

Mr. WALSH. Would it not be preferable from your viewpoint if sufficient land could be acquired of a wild character to employ these men in that sort of work and to keep them out of doors and eventually the long-term men, who could be adapted to that purpose, give them a thorough training in agriculture rather than to keep them confined in a shop?

Mr. DUEHAY. I would say, roughly speaking, we have 1,500 men at Atlanta; 750 of them might go on the outside—outside of the walls; 750 of them will have to stay in the walls, if we are going to maintain discipline. It will require 300 or 350, if we have economical administration of the maintenance department. I am speaking as to the labor. We have not an economical distribution of labor now, because we have too many men for our maintenance department, but we could get along with 300 to 350 for all maintenance.

Mr. CARLIN. If you have too many men in your maintenance department, why is it that you are not able to maintain yourselves at a lower cost?

Mr. DUEHAY. Because we are not producing enough material out of the farm. We have got to have a larger farm. When we get a larger farm, we will still have men in the walls for whom we will not have work, however.

Mr. CARLIN. How many acres have you at Atlanta?

Mr. DUEHAY. About 285.

Mr. CARLIN. And how many under cultivation?

Mr. DUEHAY. About 125.

Mr. CARLIN. So you are not cultivating half of what you have?

Mr. DUEHAY. The buildings are on a considerable part of it, and then some of it is very deep gullies—almost as deep as the Capitol.

The CHAIRMAN. Are you cultivating all that is tillable?

Mr. DUEHAY. Yes; and we are still clearing up land now—everything that we can work—the hillsides.

Mr. CARLIN. How many acres of land do you estimate it would take to furnish the necessary pasturage and for agricultural purposes?

Mr. DUEHAY. I would like to have at least an acre to a man.

Mr. CARLIN. That would include land for farming, necessary to produce the required amount of foodstuffs?

Mr. DUEHAY. Yes; I think we should have at least an acre to a man.

Mr. CARLIN. How many acres does it take to graze a cow?

Mr. DUEHAY. That depends, of course, on your pasture; around here I think they allow about  $3\frac{1}{2}$  acres.

The CHAIRMAN. You mean that your estimate of an acre to a man would include everything?

Mr. DUEHAY. Yes; everything.

Mr. CARLIN. How many cows have you there now?

Mr. MCGLOSSON. Do you have reference to Atlanta?

Mr. CARLIN. Yes.

Mr. MCGLOSSON. We had 94 on hand at the close of the year.

Mr. CARLIN. Do you know what your milk consumption is?

Mr. MCGLOSSON. I know what our milk production is. I suppose we consume it all. We do not sell any of it.

Mr. CARLIN. You have to buy some milk on the outside, do you?

Mr. DUEHAY. Yes; we buy a great deal more than we produce.

Mr. CARLIN. You get probably 50 gallons of milk a day from your herd, counting out the dry seasons. Now, what is your consumption per day?

Mr. MCGLOSSON. Last year we got 73,000 quarts of milk at Atlanta.

Mr. DUEHAY. There is nothing to show how much we consumed.

The CHAIRMAN. That is pretty close to 50 gallons a day.

Mr. CARLIN. You do not know what your consumption of milk is?

Mr. McGLASSON. I have not the figures here; no.

Mr. CARLIN. Do you get any butter at all?

Mr. DUEHAY. No, sir; no butter.

Mr. McGLASSON. We use oleomargarine at present.

Mr. CARLIN. You buy oleomargarine?

Mr. McGLASSON. Yes.

Mr. CARLIN. But you do not use oleomargarine for the officers?

Mr. McGLASSON. The officers do not get their subsistence.

Mr. CARLIN. They do not?

Mr. McGLASSON. Except the warden and the deputy warden.

Mr. CARLIN. They have butter, do they not?

Mr. McGLASSON. Yes; and I think we use butter in the hospital, too.

The CHAIRMAN. Suppose Congress should pass this bill, Mr. Duehay; do you think you could have this building erected and the machinery installed and ready for operation inside of a year to accommodate your men when they become idle?

Mr. DUEHAY. We can have it ready for operation by July 1, 1918.

The CHAIRMAN. Does that include the training of your men, so that they could run these looms?

Mr. DUEHAY. Yes. We have testimony here—the testimony that I have been able to get from the mills—that they can be taught—the average man—to attend to those looms in about four weeks.

Mr. WALSH. From where did that testimony come?

Mr. McGLASSON. I recall that one source of that testimony was the Crompton & Knowles Loom Works, at Worcester, Mass.

Mr. DUEHAY. Here is a letter from the superintendent of the Scottsdale Mills, Scottdale, Ga., Mr. C. E. Wisner. I was talking to him personally, and he said that he could teach his men in three or four weeks to attend to a loom.

The CHAIRMAN. One weaver usually attends three or four or five looms, depending upon his skill and activity.

Mr. DUEHAY. Yes; it depends on the skill and on the weight of the material. On a light material a weaver can attend to more looms, because the shuttle works automatically, but on heavy stuff he has to change the shuttle himself. That would be the case on the heavy stuff that we would weave. Here is a letter from A. M. Johnson, Atlanta, Ga., manufacturer of sheetings, the Exposition Cotton Mills, and he says he thinks that the men could learn to weave cotton canvas or any kind of duck in a few weeks, so as to get good production from the looms.

Mr. CARLIN. What is the wage of the average employee in these mills now?

Mr. DUEHAY. The weavers run from \$9 to \$16 a week.

Mr. CARLIN. According to your figures here, it costs the Government about \$6 a week to feed these fellows.

Mr. McGLASSON. Not to feed them.

Mr. CARLIN. It costs \$20 a month.

Mr. McGLASSON. It costs about \$16 or \$17 a month now, not alone to feed them but to maintain them in every way. It costs about 55 cents a day.

Mr. CARLIN. It costs an operator on the outside very little more to employ his labor than it does you to keep them there in the same line of business.

Mr. McGLASSON. Most men consider themselves lucky if they can support themselves without laying anything aside.

Mr. FITTS. I see that the committee is much impressed with the idea of farming and agriculture, and while, of course, I do not know to what conclusion it may come, nevertheless, having observed that tendency, I want to ask you gentlemen some questions now, about which I do not know the facts, but which I think the committee should have in its possession. The penitentiary at Atlanta is situated in the outskirts of the city of Atlanta, is it not?

Mr. DUEHAY. About  $3\frac{1}{2}$  miles from the center of the city.

Mr. FITTS. And, as I understand it, it is in a rapidly growing, high-grade residential section?

Mr. DUEHAY. That is true. Well, not in a high-grade residential section. It is growing into a section where they want \$1,500 to \$2,000 an acre for the land.

Mr. FITTS. Would it be possible to add to the Government's domain at Atlanta a large farm?

Mr. DUEHAY. Not at a reasonable price.

Mr. FITTS. And to what does that bring us? The question is this: Does it not bring us to the proposition of getting the land somewhere else—miles away—over toward the river, for instance?

Mr. DUEHAY. We think that if we could get it within 10 or 15 miles from the penitentiary it would be all right.

Mr. FITTS. Could you handle your men in that way?

Mr. DUEHAY. Yes.

Mr. FITTS. So that if the committee is impressed with the idea of farming, do you know anything about the value of land 10 or 15 miles from Atlanta, and whether or not it is obtainable?

Mr. DUEHAY. I have inquired, and they say the land will run from \$15 to \$20 an acre. Of course, we would be unable to locate the land until after the appropriation was made, because the price would be so high that we could not get it. They would run up the price on us if they knew in advance where we wanted to locate it.

Mr. NELSON. You would have to institute condemnation proceedings?

Mr. DUEHAY. Yes; either condemnation proceedings or to have a large field to work over, and thus have them compete for the sale of the land.

Mr. IOOE. That could be very easily arranged.

Mr. DUEHAY. Yes.

Mr. IOOE. We would not designate a particular place.

Mr. FITTS. How far does that car line that goes out beyond the penitentiary, out to the westward—how far does it now go beyond the penitentiary at Atlanta?

Mr. DUEHAY. It stops at the penitentiary.

Mr. FITTS. Right at the gate?

Mr. DUEHAY. Yes.

Mr. FITTS. I thought it had been extended.

Mr. DUEHAY. No; it has not.

Mr. FITTS. Then, could you go right on to the westward, toward the river? Do you know where that is, leaving Atlanta—about 10 miles out?

Mr. DUEHAY. That road runs to the east.

Mr. FITTS. I mean would you get into a residential section there?

Mr. DUEHAY. Oh, no; we would get into the open country.

Mr. FITTS. You get out into the open country there in a few miles?

Mr. DUEHAY. Yes.

Mr. FITTS. How would you handle your convicts to and fro, morning and night?

Mr. DUEHAY. I would rather build a colony house right on the farm and put the men on the farm that we could put out there.

Mr. FITTS. Now, let us go to Leavenworth. Give us the ground plan around there. I have never seen that even from the exterior, and therefore can not lend you any assistance. Tell me how far are you from the city of Leavenworth?

Mr. DUEHAY. We are out on the outskirts of the city. It is 2 miles down to the center of the city.

Mr. FITTS. Then you are not as closely built up to as you are at Atlanta?

Mr. DUEHAY. We are practically as closely built up, but Leavenworth is not as large a city.

Mr. FITTS. I know Leavenworth is not as large as Atlanta, but are you built up to by as good a class of residents as you are at Atlanta?

Mr. DUEHAY. The class of residents at Leavenworth is not as good on the average as Atlanta.

Mr. FITTS. Does the residence section extend beyond you at Leavenworth?

Mr. DUEHAY. I think not.

Mr. FITTS. Then the adjacent ground beyond you could be obtained?

Mr. DUEHAY. No; because the price is prohibitive.

Mr. FITTS. Have you looked into that?

Mr. DUEHAY. I have only inquired from the residents around there as to the price, and they put it pretty high.

Mr. FITTS. There is, however, adjoining land at Leavenworth?

Mr. DUEHAY. Yes.

Mr. FITTS. And in that respect it differs from Atlanta?

Mr. DUEHAY. Oh, yes.

Mr. MCGLOSSON. At Leavenworth we occupy one corner of the military reservation, which consists of several thousand acres.

Mr. FITTS. Why could we not occupy that land?

Mr. MCGLOSSON. We could, if they would give it up.

Mr. IGOE. Where is Fort Leavenworth?

Mr. MCGLOSSON. It is three-quarters of a mile away, but on the same reservation.

Mr. IGOE. This whole reservation consists of how many acres?

Mr. MCGLOSSON. Several thousand acres; I do not know exactly how many.

Mr. IGOE. How much of it is actually used by the Army for any purpose?

Mr. MCGLOSSON. I do not know. I guess they use most all of it for drill purposes. They come over onto our reservation for their drills.

Mr. IGOE. Is any of that land suitable for agricultural purposes?

Mr. DUEHAY. Yes. They allowed us to use about 50 acres of their land last year for cultivation.

Mr. FITTS. Are the winters so severe at Leavenworth that there would be a long or appreciable period of the year during which you could not use your men in the open at all?

Mr. DUEHAY. Yes; that is true.

Mr. FITTS. But that is not true at Atlanta.

Mr. DUEHAY. No.

Mr. FITTS. It would be an open all the year round business in Atlanta?

Mr. DUEHAY. No; there are certain months of the year that you can not work on a farm in Atlanta. You can clear up and get ready for the spring, however.

Mr. FITTS. But that is farm work, is it not?

Mr. DUEHAY. Oh, yes.

Mr. FITTS. I find that to be about the most important part of my farm work—what we do in the winter. So you can work all winter in Atlanta?

Mr. DUEHAY. Yes; we can clear up and get ready for the crops next year.

Mr. FITTS. But that is impracticable at Leavenworth?

Mr. DUEHAY. Yes.

Mr. VOLSTEAD. What do you mean by "clearing up"?

Mr. DUEHAY. I mean clearing off the woods.

Mr. VOLSTEAD. And when you get them cleared off you would not have that again next year.

Mr. DUEHAY. No, sir; but there is always a lot of work to be done on a farm—fences and things of that sort.

Mr. CARLIN. If we were to give you \$50,000 to purchase a thousand acres of land, allowing \$50 an acre for it, could you purchase good, tillable land for that price, conveniently located with respect to your prisons?

Mr. DUEHAY. In Atlanta I believe we could purchase it for \$25,000.

Mr. CARLIN. Would 1,000 acres of land be enough for you there?

Mr. DUEHAY. I do not think so. We should have 2,000 acres.

Mr. CARLIN. Do you think you could buy 2,000 acres for \$50,000 there?

Mr. DUEHAY. I believe so; yes.

Mr. CARLIN. If they gave you, say, 300 dairy cows, at \$100 apiece, that would amount to \$30,000, would it not?

Mr. DUEHAY. If you will give us the land we will not need to buy many cows. We can build up our herd very quickly.

Mr. CARLIN. Then, all that you really need is the land?

Mr. DUEHAY. Yes; because we could have our herd coming along as quickly as we could get the land ready for it.

The CHAIRMAN. You do not mean to leave the impression that you would be satisfied to eliminate this bill entirely, if you could get 2,000 acres of land?

Mr. DUEHAY. No; we need that land, in addition to the building.

Mr. CARLIN. If you had this additional land and had to construct a new building your labor could be utilized, for a year or two, in constructing the new building upon this additional land?

Mr. DUEHAY. No; we have too much labor. We are taking care of 1,025 prisoners now that we never had in a Federal penitentiary before. In getting the buildings finished we have a larger population than we used to have. Atlanta used to have 700 people; they carry now anywhere from 1,200 to 1,400. Leavenworth used to carry 1,000 or 1,100; they are now carrying about 1,800 prisoners. We are carrying over 1,000 more prisoners in those two prisons, and we have got to employ them.

Mr. CARLIN. And you have got to feed them, too, have you not?

Mr. DUEHAY. We certainly have.

Mr. CARLIN. And you have got to clothe them?

Mr. DUEHAY. Yes. My idea is this; to employ every man we can and reduce the maintenance department to an economical basis, and then spend our money in making those men self-supporting, and at the same time raise all the stuff we eat and all the milk we consume and as much of the meat as possible. The dairy herd will furnish some meat, if we have a large dairy, but not all of it, of course.

Mr. MCGLOSSON. The total foodstuffs at Atlanta cost \$75,000 last year, and much of that was for tobacco and dishes and things that we can not raise on a farm.

The CHAIRMAN. Gentlemen, are there any further questions? If not, the committee is very much obliged to you gentlemen, Mr. Duehay and Mr. McGlasson. The chairman of the committee will recognize Mr. Dudding, at the request of Mr. Neely, for a few moments.

#### STATEMENT OF MR. E. E. DUDDING, PRESIDENT PRISON RELIEF SOCIETY, HUNTINGTON, W. VA.

Mr. DUDDING. Mr. Chairman and gentlemen of the committee, I am interested in the welfare of prisoners. I served a prison sentence myself, and I was in Leavenworth lately and had quite a talk with a good many of the men, and they want something to do, and I am especially interested in the men farming. In Michigan I visited a penitentiary lately, and they have a farm of 3,000 acres, and from that farm they paid the State \$100,000, after keeping the prisoners.

Mr. IGOE. How many men did they have?

Mr. DUDDING. They worked about 500 or 600 men on the farm. The rest of them they worked in the cannery, in putting up stuff, inside of the prison.

Mr. IGOE. How many acres are in that farm?

Mr. DUDDING. Three thousand acres.

Mr. GARD. They sold their products?

Mr. DUDDING. Yes; and branded them "From the prison farm." Yes; they sold their products, but that is farming, and I am telling you that to show you how much they got out of that farm.

Mr. CARLIN. And they maintained themselves?

Mr. DUDDING. Yes. They did not cost the State a cent, and they paid the State \$100,000 in addition. That is what you want to get at here and that will be the salvation of these people.

Mr. IGOE. Personally, I am interested in taking care of the prisoners. I am not so much interested in whether the State makes any money out of it or not.

Mr. DUDDING. I am interested in the welfare of the prisoner when he leaves the prison; and if he works in the open he is better equipped to make a good citizen than if he works in a shop. If any of you gentlemen would like to ask me any questions, I could answer them, perhaps, better than I could make a statement.

Mr. CARLIN. In other words, you think that the Federal proposition of caring for prisoners has not reached that stage where they can successfully teach them trades as yet?

Mr. DUDDING. I could not answer that. I believe they could teach them a trade, but most of the men who go to prison have an occupation, and when they leave prison they want to follow their former occupation. We find in assisting them to get employment that they want to go back to the same work that they did before they went to prison.

The CHAIRMAN. Of course, you realize that in farming exclusively there are many who could not follow that occupation?

Mr. DUDDING. Yes. In regard to this shopwork proposition, the only suggestion that I care to make about it would be that the men be paid a stipulated amount—say, 50 cents or 25 cents a day.

The CHAIRMAN. You mean, now, with reference to the proposition to establish a textile plant?

Mr. DUDDING. Yes. I am in sympathy with that. I think such a step would be all right, but the farm proposition appeals to me more strongly.

Mr. GARD. Tell us more about this Michigan proposition, where you say they turned over \$100,000 to the State. In the wintertime what employment do they give them?

Mr. DUDDING. In the winter a great many of the men work on the farm preparing it for the next season's crops, and some of them work making clothes and shoes and other stuff to supply them the rest of the year.

Mr. GARD. They worked in shops on the prison reservation.

Mr. DUDDING. Yes.

Mr. GARD. You men making clothing and things of that sort?

Mr. DUDDING. Yes; in the wintertime.

I was in Illinois recently, where they work the men on the roads. The Southern Illinois Penitentiary is only a couple hundred miles from Leavenworth, and on one occasion I saw 300 men working 3 miles away from the penitentiary with only one guard, and among the prisoners were a great many life termers.

Mr. IGOE. What do you think of the effect on the health of the men working on textile work where they will be confined—working indoors?

Mr. DUDDING. I think the health of the men would, of course, be improved by using them on road work. The men I have talked with in Leavenworth would like to build 2 or 3 miles of sample road there to show the kind of work that can be done.

The CHAIRMAN. So far as the health of the men employed in the cotton mills is concerned, if it is a modernly built mill, it is more healthy than this room we are in. They are kept perfectly clean, and they have means by which they keep down the lint. The atmosphere in the plants is kept perfectly pure, and altogether it is a perfectly healthy place to work. We get our idea of the healthfulness of the



old cotton mills from mills built 20 years ago where, of course, the sanitary conditions were not quite so healthful. Of course, this does not apply in modern mills. Indoor occupation, as we all know, though it is not as healthy as outdoor occupation.

Mr. DUDDING. The sanitary conditions in Leavenworth prison are splendid. The men are very well cared for there.

There is one matter that I think—I do not know whether it is the business of this committee to consider it or not—but I think there should be a more liberal parole law. As I understand it, there are some five or six hundred men in Leavenworth Penitentiary who have served the required amount of time, who should be paroled. My society is in a position to get all of these men jobs the minute they are released, and I think that they should be released and allowed to obtain employment in this way, because their families in a great many instances are destitute and need their support.

The CHAIRMAN. You say they have served the required amount of time?

Mr. DUDDING. Yes, sir.

The CHAIRMAN. Why haven't they been paroled?

Mr. IOOE. There is nothing mandatory about the law.

The CHAIRMAN. I understand that, but I am asking him whose fault it is.

Mr. IOOE. I think it is nobody's fault. It is the fault of the law.

Mr. DUDDING. I think, if it is anybody's fault, it is the Attorney General's fault. I think the parole board has been as liberal as they could be and they have paroled more men than he has turned out. I think these men should be paroled, because, from my own experience in prison, when a man is imprisoned, he ought to have something to figure on. He should know that when he serves his minimum sentence he will be paroled. If he knows that, it will be of great encouragement to him.

The CHAIRMAN. Is the fact that these men have not been paroled due to the fact that they have violated any of the prison rules?

Mr. DUDDING. No, sir; but because the Attorney General, in his opinion, thinks probably their crime was of such a severe nature that they should be kept in prison. I personally think they all ought to be paroled when they have served the required time.

The CHAIRMAN. Does the parole board consider the nature of the crime?

Mr. DUDDING. Yes, sir.

The CHAIRMAN. As well as the conduct of the prisoner?

Mr. DUDDING. Yes, sir; it considers the recommendation of the State's attorney that convicted him and the judge that tried him, and if he does not have somebody to pull for him and get him these recommendations, the chances are that he will not be recommended. He has got to get the recommendation of the trial judge and of the State's attorney. If he does not get that—if he hasn't the pull in the community—the chances are that he will not get it.

Mr. IOOE. I want to dissent from the statement just made in reference to the question of pull. I think this, that as far as the parole board is concerned, that it does not count for anything. I have had a little experience in a few cases, and I believe that no outside influences can get them to do anything in one case that it would not do in a similar case; that the question of pull has no effect with them.

Mr. CARLIN. He means the influences that are brought to bear on the judge and prosecuting officer to sign the petition.

Mr. DUDGING. To get them to recommend it. Everybody in the community goes to the judge and pleads with him to recommend a man for parole. It is the same with the prosecuting attorney, and that influence is what brings about the recommendation in his favor. I think the parole board is absolutely fair, as far as they are concerned. I did not mean to reflect on them or say anything that would tend to—

Mr. IOOE. I agree with you that I do not think they parole enough. I think there should be more paroled, but I do not know—I think the trouble is in the viewpoint of those who administer the parole law.

Mr. DUDGING. In many States—in the State of New York they have a parole law to the effect that when a man serves a certain amount of his sentence he knows when he is going to get out. He applies to my organization, and when he gets out he gets a job, and then he goes to Detroit or wherever he can get his job, and he knows that this is going to occur. He can figure on it. It encourages him. He knows what is going to happen at the end of a certain time. Under the parole law he can not figure on it. The papers come to Washington and maybe he will be paroled and maybe not. The papers stay in Washington for months and he remains in prison all this time, and does not know whether he will be paroled or not. There ought to be some understanding so that he will know exactly what he is going to do, if, of course, his prison conduct is such as to permit of that. I think Mr. Duehay will agree with me on that, that there ought to be some stipulated time, after which these men will be paroled.

The CHAIRMAN. I believe he said he was in favor of that.

Mr. DUEHAY. There is nothing in the law now to allow them to establish their own rules covering that.

Mr. DUDGING. The law now says that a man shall be paroled after he serves a certain time—

Mr. IOOE. I do not believe in a law of that kind. I think the trouble is that, in the first place, there ought not to be such a thing as a third of a sentence to be served before the man is eligible. His family conditions or other matters might make a man's case entirely different from any others.

Mr. DUDGING. Our society looks after the families of the prisoners. It is not our duty to handle the matter of paroles, but help the families of destitute State and Federal prisoners.

The CHAIRMAN. Is your society a voluntary society?

Mr. DUDGING. Yes, sir; I organized the society when I was released from prison. After I got out of prison I tried to enter business. I had been a traveling salesman, and tried to get back in business, but after I was released from prison nobody would have anything to do with me. I used to go to different hotels, and I had to sit in seats in the hotel, off to myself. Nobody would have anything to do with me. I was ostracized. I could not get any employment, and I started this movement really in self-defense, and I have made a success of it. I have 20,000 employers all over the United States cooperating with us. We have enough work for every convict, State and Federal, in the United States.

Gentlemen. if there are any other questions you wish to ask me, I shall be very glad to answer them, and if not, I wish to thank you very much for this opportunity.

The CHAIRMAN. I think your society is a very fine society.

Mr. DUDDING. I want to thank you gentlemen for this opportunity to speak with you.

Mr. FITTS. You spoke of the cleanliness and sanitary conditions of Leavenworth Prison—

Mr. DUDDING. Yes, sir.

Mr. FITTS. And gave such a high indorsement of it—

Mr. DUDDING. Yes, sir.

Mr. FITTS. Have you visited the Atlanta Prison?

Mr. DUDDING. No, sir; but I am going there right soon.

Mr. FITTS. You did not intend to make any reflection on the conditions existing at the Atlanta Prison?

Mr. DUDDING. No, sir; but I know of the conditions at Leavenworth. I know the conditions are sanitary and splendid at Leavenworth.

Mr. FITTS. Are the men satisfied?

Mr. DUDDING. Except they want to work.

Mr. CARLIN. And with the exception they probably want to get out.

Mr. WALSH. I would like to ask Judge Fitts if he would not pursue his inquiry with Mr. Duehay? He had asked some questions, and I assumed he had not completed his line of inquiry.

Mr. FITTS. Along the agricultural line?

The CHAIRMAN. Yes; go ahead.

Mr. FITTS. I was anxious to ask a few questions with reference to the employment of these men on agricultural work. I am somewhat acquainted with the lay of the land at Atlanta; more so than at Leavenworth. My own impression is that if you went 10 miles from Atlanta you could get an abundance of that rolling red land at not exceeding \$20 an acre, if it could be bought without anybody knowing what it was being bought for, because in Alabama you can get the same land. It is what is known as rolling hill land. It takes more men to farm on it than it does on good land, in the lower lands, where they have the black land, but when properly attended to it makes fine crops. It takes fertilizer and stable manure splendidly. I know something about it, because I am running a farm at the same time, very profitably. Of course you have to attend to it.

Mr. CARLIN. Did you ever know of a farmer who, for four consecutive months, could not find something necessary to be done upon his farm?

Mr. FITTS. No, sir. Now, at Leavenworth, I am not acquainted with the situation, and Mr. Duehay—if you gentlemen want to go on—I should like to ask you to give some little graphic description of the land at Leavenworth.

Mr. DUEHAY. Our idea at Leavenworth is that the best potential land would be in the western part of the State. We would have to bring our dairy herd close to the prison, but all the surplus and all dry cows and young stock could be put on the western part of the State.

Mr. WALSH. How far out?

Mr. DUEHAY. A hundred miles or more. You can buy land cheap there, but the land close to Leavenworth is very expensive.

The CHAIRMAN. You do not think that the military reservation uses all of these two, three, or four thousand acres of land out there, do you?

Mr. DUEHAY. They do not.

The CHAIRMAN. Why couldn't we give you a few thousand of those acres?

Mr. DUEHAY. If it does not interfere with the public service, I wish you could.

Mr. CARLIN. Is that good tillable soil?

Mr. DUEHAY. It is pretty fair; it is good land.

The CHAIRMAN. Do you know whether or not—

Mr. DUEHAY. We have a few—

The CHAIRMAN. Do you know whether or not it would interfere with the reservation operations?

Mr. DUEHAY. They have their drills, you know.

The CHAIRMAN. It does not take three or four thousand acres of land for them to drill on—they would not walk all over it in a month. They could drill on three or four hundred acres, could they not?

Mr. DUEHAY. They go all over the place in their maneuvers.

The CHAIRMAN. At the same time if they have 2,000 acres of land you might have 2,000 to devote to this purpose and the reservation have plenty of it left.

Mr. DUEHAY. If we could have 2,000 acres, I think it would be a splendid thing.

The CHAIRMAN. Suppose you make an investigation in reference to that and let us know about it. Perhaps we might be able to give you that land.

A VOICE. They have a military training school there, too.

Mr. DUEHAY. They use probably a thousand acres, but I can not state definitely just how many they do use.

The CHAIRMAN. They do not use it for farming?

Mr. DUEHAY. No, sir.

The CHAIRMAN. They use it for the soldier boys out there?

Mr. DUEHAY. Yes, sir; we have some of those boys ourselves who are guilty of felonies. We have about 160 of them.

The CHAIRMAN. I wish you would make an investigation of that matter and let us have a report from you on it.

Mr. DUEHAY. Yes, sir; but I do not think I can get it in in time for you to act on it.

Mr. CARLIN. We want to help the prisoners, and we will do so if we can get some intelligent plan.

Mr. DUEHAY. You can not keep men employed on one thing continuously. What they need is a diversification of employment. That is what they need more than anything else.

Mr. NELSON. I should like to see you work out some plan to take care of that.

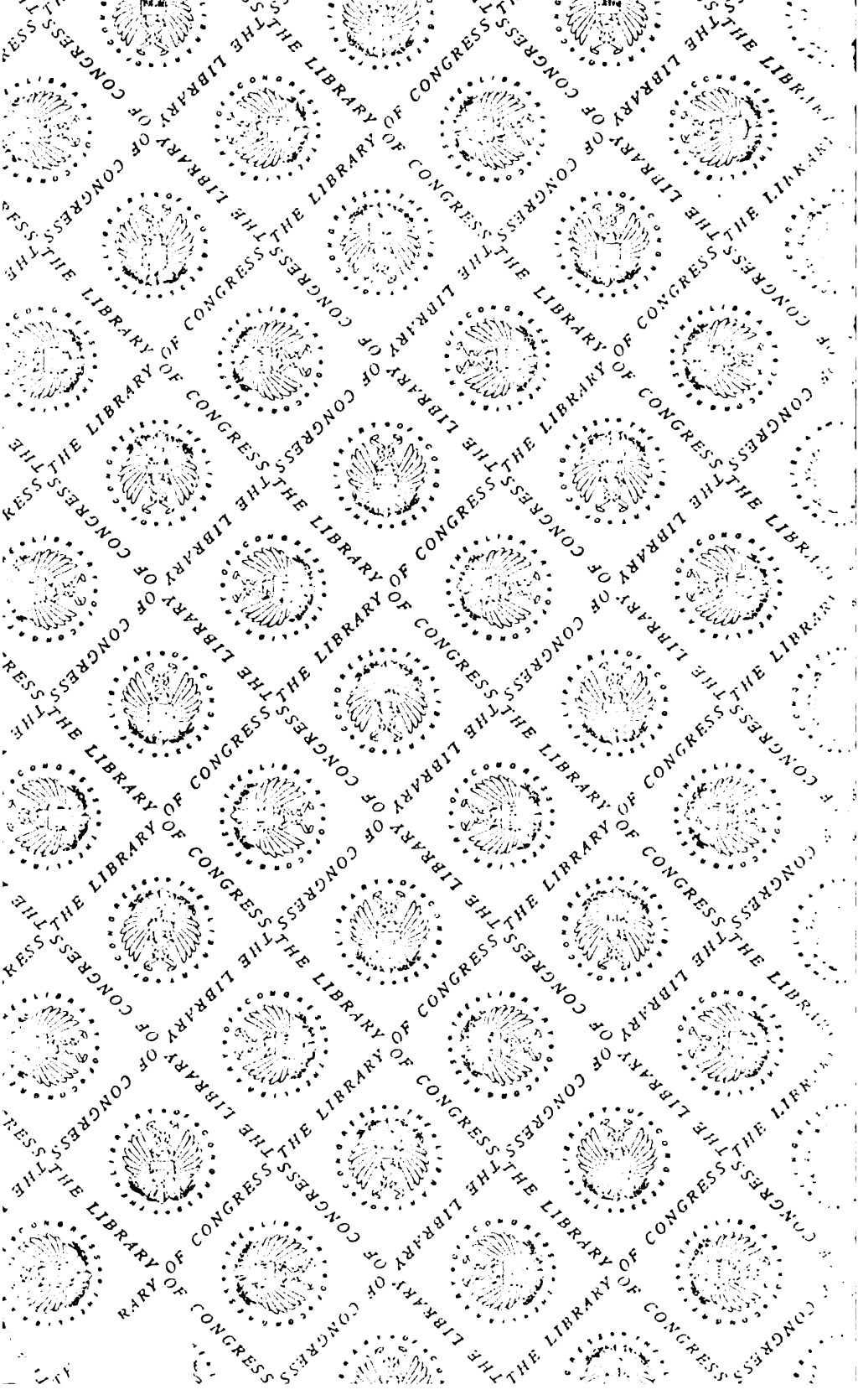
Mr. DUDDING. I think I can bring in a plan that would cover it all.

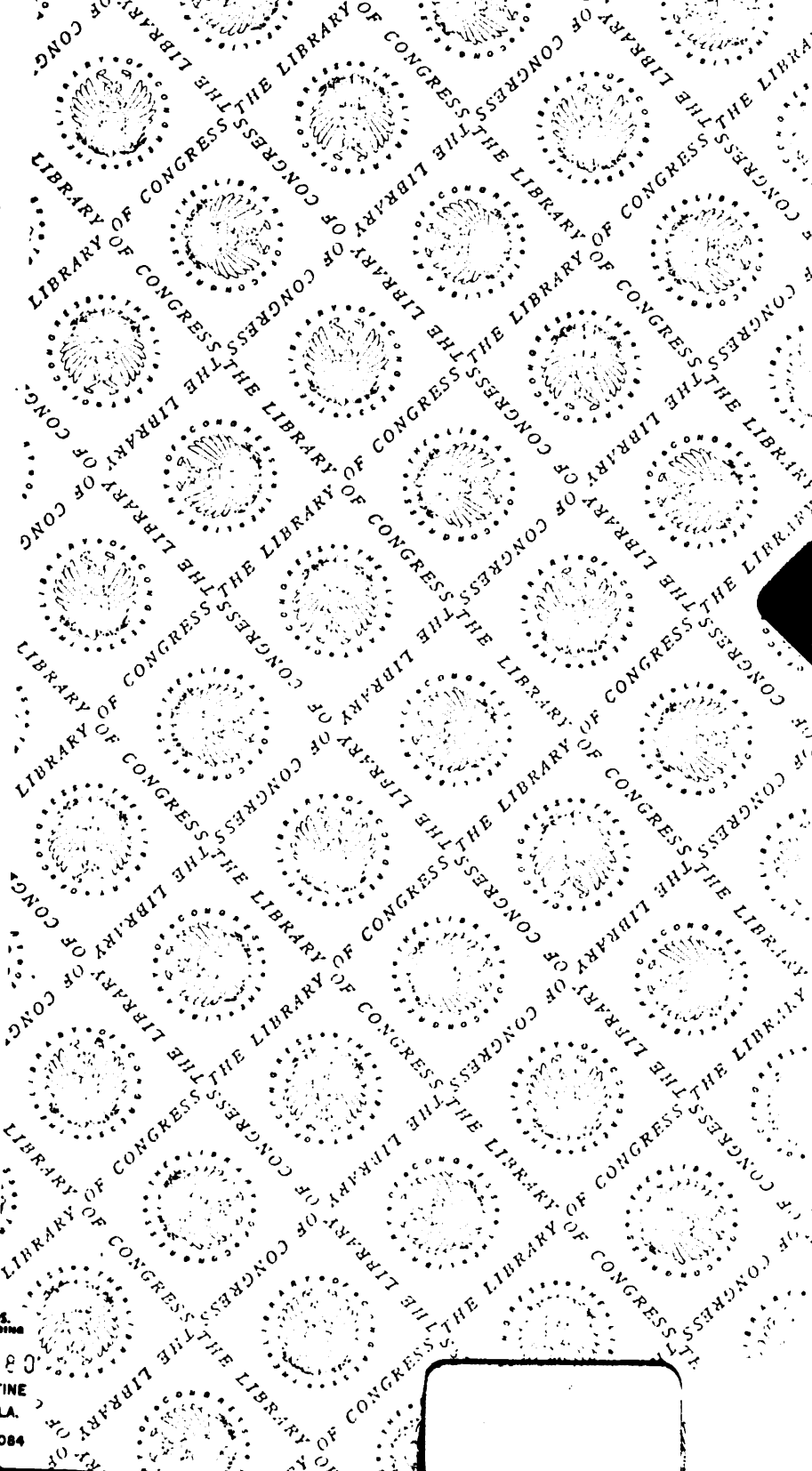
Mr. NELSON. We would like to have a definite plan.

The CHAIRMAN. Gentlemen, the committee will stand adjourned until the regular meeting next Tuesday, January 30, 1917.

(Thereupon the committee adjourned.)







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